

## 1976 No. 1818 (S143)

## FOOD AND DRUGS

## COMPOSITION AND LABELLING

**The Honey (Scotland) Regulations 1976**

<i>Made</i>	- - -	<i>27th October 1976</i>
<i>Laid before Parliament</i>		<i>10th November 1976</i>
<i>Coming into Operation</i>		
<i>Regulations 2 and 15</i>		<i>1st December 1976</i>
<i>Remainder</i>	- -	<i>1st May 1977</i>

In exercise of the powers conferred on me by sections 4, 7, 26(3) and 56 of the Food and Drugs (Scotland) Act 1956(a) as amended by section 4(1) of, and paragraph 3(1) of Schedule 4 to, the European Communities Act 1972(b), and of all other powers enabling me in that behalf, and after consultation with such organisations as appear to me to be representative of interests substantially affected by these regulations and after reference to the Scottish Food Hygiene Council under section 25 of the said Act (in so far as the regulations are made in exercise of the powers conferred by the said section 7), I hereby make the following regulations:—

*Citation and commencement*

1. These regulations may be cited as the Honey (Scotland) Regulations 1976 and shall come into operation as respects regulations 2 and 15 on 1st December 1976 and as respects the remainder on 1st May 1977.

*Interpretation*

2.—(1) In these regulations, unless the context otherwise requires—

“the Act” means the Food and Drugs (Scotland) Act 1956;

“blossom honey” means honey produced wholly or mainly from the nectar of blossoms;

“brood” means any immature stage of the honeybee including the egg, larva and pupa and any honeybee which has not emerged from its cell in a honeycomb;

“chunk honey” means honey which contains at least one piece of comb honey;

“comb honey” means honey stored by honeybees in the cells of freshly built broodless combs and intended to be sold in sealed whole combs or in parts of such combs;

(a) 1956 c. 30.

(b) 1972 c. 68.

- “the Community” means the European Economic Community;
- “container” has the meaning assigned to it by the Labelling of Food (Scotland) Regulations 1970(a), as amended (b);
- “drained honey” means honey obtained by draining uncapped broodless honey combs;
- “extracted honey” means honey obtained by centrifuging uncapped broodless honey combs;
- “food” means food intended for sale for human consumption and includes drink, chewing gum and other products of a like nature and use, and articles and substances used as ingredients in the preparation of food or drink or of such products, but does not include—
- (a) water, live animals or birds,
  - (b) fodder or feedingstuffs for animals, birds or fish, or
  - (c) articles or substances used only as drugs;
- “freshly built broodless combs” means freshly built broodless honeycombs in which no brood has ever been reared;
- “honey” means the fluid, viscous or crystallized food which is produced by honeybees from the nectar of blossoms or from secretions of or found, on living parts of plants other than blossoms, which honeybees collect, transform, combine with substances of their own and store and leave to mature in honeycombs;
- “honeybee” means any member of any species of the genus *Apis*;
- “honeydew honey” means honey, the colour of which is light brown, greenish brown, black or any intermediate colour, produced wholly or mainly from secretions of or found on living parts of plants other than blossoms;
- “human consumption” includes use in the preparation of food for human consumption;
- “plant” includes any tree or shrub;
- “pressed honey” means honey obtained by pressing broodless honeycombs with or without the application of moderate heat;
- “sell” includes offer or expose for sale or have in possession for sale, and “sale” and “sold” shall be construed accordingly;
- “sell by retail” means sell to a person buying otherwise than for the purpose of re-sale, but does not include selling to a caterer for the purposes of his catering business or to a manufacturer for the purposes of his manufacturing business; and “sale by retail” and “sold by retail” shall be construed accordingly:

AND other expressions have the same meaning as in the Act.

(2) The Interpretation Act 1889(c) shall apply for the interpretation of these regulations as it applies for the interpretation of an Act of Parliament.

(3) Any reference in these regulations to a label borne on a container shall be construed as including a reference to any legible marking on the container however effected.

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(a) S.I. 1970/1127 (1970 II, p. 3559).

(b) There is no amendment which relates expressly to the subject matter of these regulations.

(c) 1889 c. 63.

(4) Unless the context otherwise requires, all proportions mentioned in these regulations are proportions calculated by weight of the product as sold.

(5) Any reference in these regulations to diastase activity or hydroxymethyl-furfural content shall be construed as a reference to such activity or content as determined at any time after any processing or blending and, subject thereto, any such reference to diastase activity shall be construed as a reference to such activity as determined in accordance with the method set out in Schedule 1.

(6) For the purpose of these regulations, the supply of food, otherwise than for sale, at, in or from any place where food is supplied in the course of a business shall be deemed to be a sale of that food, and references to purchasing and purchasers shall be construed accordingly.

(7) Any reference in these regulations to any other regulations shall be construed as a reference to such regulations as amended by any subsequent regulations.

(8) Any reference in these regulations to a numbered regulation or schedule shall, unless the reference is to a regulation of or schedule to specified regulations, be construed as a reference to the regulation or schedule bearing that number in these regulations.

#### *Exemptions*

3. The following provisions of these regulations shall not apply to any honey—

(a) sold, consigned or delivered for exportation to any place outside the United Kingdom; or

(b) supplied under Government contracts for consumption by Her Majesty's forces or supplied for consumption by a visiting force within the meaning of any of the provisions of Part I of the Visiting Forces Act 1952(a).

#### *Composition and preparation of honey*

4.—(1) Any honey sold, consigned or delivered shall comply with the appropriate requirements as to composition set out in Schedule 2 in relation to that honey.

(2) No person shall sell, consign or deliver any honey in contravention of paragraph (1) of this regulation.

(3) No person shall add to any honey intended for sale as such any food or substance other than honey.

(4) No person shall sell, consign or deliver any honey to which any food or substance has been added in contravention of paragraph (3) of this regulation.

(5) No person shall sell, consign or deliver as such any honey which is not as far as practicable free from mould, insects, insect debris, brood or any other organic or inorganic substance foreign to the composition of honey.

(6) No person shall sell, consign or deliver any honey which has an artificially changed acidity.

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(a) 1952 c. 67.

*Use of honey as an ingredient in the preparation of food*

5.—(1) No person shall use as an ingredient in the preparation of food any honey which is not as far as practicable free from mould, insects, insect debris, brood or any other organic or inorganic substance foreign to the composition of honey.

(2) No person shall sell, consign or deliver any food in the preparation of which any honey has been used as an ingredient in contravention of this regulation.

*General restrictions on use of the word or description “honey”*

6. No person shall—

- (a) give with any food sold by him any label, whether attached to or borne on the container or not, or display with any food offered or exposed by him for sale any ticket or notice, or
- (b) publish, or be a party to the publication of, any advertisement for food, which bears or includes the word or description “honey” or any derivative thereof or any word or description substantially similar thereto unless—
  - (i) such food is honey which complies with the appropriate requirements as to composition having effect in relation thereto by virtue of these regulations and, if it is described as such, is blossom honey, honeydew honey, comb honey, chunk honey, drained honey, extracted honey or pressed honey, as the case may be, or
  - (ii) 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 an ingredient of that food, or
  - (iii) such description, derivative or word is used in such a context as to indicate explicitly or by clear implication that such food either is not, or does not contain, honey.

*Labelling and description of honey*

7.—(1) Subject to paragraph (5) of this regulation, no person shall sell, consign or deliver pursuant to a sale any honey in a container unless there appears on a label marked on, or securely attached to, the container a true statement in compliance with this regulation.

(2) The said statement shall specify in every case the description “honey” immediately preceded—

- (a) in the case of comb honey or chunk honey, by the word “comb” or the word “chunk”, as the case may be;
- (b) in any of the cases referred to in paragraph (3) of this regulation, by the word “baker’s” or “industrial”.

(3) The cases referred to in sub-paragraph (b) of paragraph (2) of this regulation are—

- (a) where the honey to which the statement relates, being heather honey derived wholly or mainly from any species of the genus *Calluna* or clover honey derived wholly or mainly from any species of the genus *Trifolium*, has a moisture content of more than 23 per centum;

- (b) where the honey to which the statement relates, other than any honey referred to in sub-paragraph (a) above, has a moisture content of more than 21 per centum;
- (c) where the honey to which the statement relates—
  - (i) has any foreign tastes or odours,
  - (ii) has begun to ferment or effervesce, or
  - (iii) has been heated to such an extent that its natural enzymes have been destroyed or made inactive;
- (d) where the honey to which the statement relates, being citrus honey or any other honey with a naturally low enzyme content, has a diastase activity of less than 3;
- (e) where the honey to which the statement relates, other than any honey referred to in sub-paragraph (d) above, has a diastase activity of less than 4;
- (f) where the honey to which the statement relates has an hydroxymethyl-furfural content of more than 80 milligrammes per kilogramme.

(4) The said statement shall also specify the name or trade name and the address or registered office of the producer or packer of the honey, or of a seller thereof established within the Community.

(5) Notwithstanding the requirement in paragraph (1) of this regulation that the said statement shall appear on a label marked on, or securely attached to, the container, in the case of a sale otherwise than by retail or a consignment or delivery pursuant to such a sale of any honey in a container of a net weight of not less than ten kilogrammes, the statement may, as an alternative, be contained in a document accompanying the honey.

#### *References to origin*

8. No person shall—

- (a) give with any honey sold by him any label, whether attached to or borne on the container or not, or display with any honey offered or exposed by him for sale any ticket or notice, or
- (b) publish, or be a party to the publication of, any advertisement for any honey,

which bears or includes any reference, direct or indirect, whether in words or by means of any pictorial device, to the blossom or plant origin of the honey or to the regional, topographical or territorial origin of the honey unless—

- (i) in the case of a reference to the blossom or plant origin, the honey is derived wholly or mainly from the blossom or plant indicated, and
- (ii) in the case of a reference to the regional, topographical or territorial origin, the honey originated wholly in the region, place or territory indicated.

#### *Manner of marking or labelling*

9.—(1) Any statement required by regulation 7 to appear on a label marked on, or securely attached to, the container of any honey—

- (a) shall be clear, legible and indelible;

- (b) shall be in a conspicuous position on the label marked on, or securely attached to, the container in such a manner that it will be readily discernible and easily read by an intending purchaser or consumer under normal conditions of purchase or use;
- (c) shall not be interrupted by other written or pictorial matter where such interruption might mislead the purchaser or consumer as to the nature of the honey;
- (d) shall not be in any way hidden or obscured or reduced in conspicuousness by any other matter, whether pictorial or not, appearing on a label.

(2) The height of the letters in any statement referred to in paragraph (1) of this regulation shall be such as is not calculated by any undue or insufficient prominence to mislead as to the nature, substance or quality of the honey to which that statement relates.

(3) If any honey is packaged in more than one container, any label which by virtue of any of these regulations is required to be marked on, or securely attached to, the container shall either be marked on, or securely attached to, the outermost container or shall be readily discernible and easily read through, or notwithstanding, the outermost container.

#### *Penalties*

**10.**—(1) If any person contravenes or fails to comply with any of the foregoing provisions of these regulations he shall be guilty of an offence under these regulations.

(2) Any person who is guilty of an offence under these regulations shall be liable—

- (a) on summary conviction to—
  - (i) a fine not exceeding £100 or to imprisonment for a term not exceeding six months, or to both such fine and imprisonment; and
  - (ii) in the case of a continuing offence, to a further fine not exceeding £10 for every day during which the offence is continued; or
- (b) on conviction on indictment to—
  - (i) a fine not exceeding £500 or to imprisonment for a term not exceeding one year or to both such fine and imprisonment; and
  - (ii) in the case of a continuing offence, to a further fine not exceeding £50 for every day during which the offence is continued.

#### *Enforcement*

**11.** Each regional and islands council shall enforce and execute the provisions of these regulations within their area.

#### *Defences*

**12.**—(1) In any proceedings for an offence against these regulations in relation to the publication of an advertisement, it shall be a defence for the accused to prove that, being a person whose business it is to publish or arrange for the publication of advertisements, he received the advertisement for publication in the ordinary course of business and did not himself make, or cause to be made, any material alteration in the substance of that advertisement.

(2) In any proceedings against the manufacturer or importer of any honey product, or other food, for an offence against these regulations in relation to the publication of an advertisement, it shall rest on the accused to prove that he did not publish, and was not a party to the publication of, the advertisement.

*Application of various sections of the Act*

13.—(1) Sections 41(2) and (5) (proceedings), 42(1), (2) and (3) (evidence of certificates of analysis), 44 (power of a court to require analysis by the Government Chemist), 46(2) (conditions under which a warranty may be pleaded as a defence) and 47 (offences in relation to warranties and certificates of analysis) of the Act shall apply for the purposes of these regulations as if references therein to proceedings, or a prosecution, under or taken under the Act included references to proceedings, or a prosecution as the case may be, taken for an offence against these regulations and in addition as if—

- (a) in the case of section 44(1) of the Act, the reference therein to section 41(5) of the Act included a reference to said section 41(5) as applied by these regulations; and
- (b) in the case of section 47(1) and (2) of the Act, the references therein to an offence against the Act included references to an offence against these regulations.

(2) Section 41(4) of the Act shall apply for the purposes of these regulations as if the reference therein to section 47 of the Act included a reference to said section 47 as applied by these regulations.

*Amendment to the Labelling of Food (Scotland) Regulations 1970*

14. The Labelling of Food (Scotland) Regulations 1970(a), as amended (b), shall be further amended as follows:—

- (a) by inserting in regulation 2(1) thereof after the definition of greatest dimension of container the following definition:—  
“honey” has the meaning assigned to it by the Honey (Scotland) Regulations 1976;”;
- (b) by adding at the end of regulation 4 thereof the following paragraph:—  
“(5) The provisions of Part II of these regulations shall not apply to any honey.”;
- (c) by adding at the end of item 1 of Schedule 2 thereto the following entry:—

“Column 1	Column 2
Description of Food	Extent of exemption from regulation 5(2)
Any food of a description specified below in this item.	Exempt to the extent that it may be designated by the word or words specified in this column in relation to its description without further specification as to its appropriate designation or common or usual name or as to its composition.
Honey when forming an ingredient of some other food.	Honey.”

(a) S.I. 1970/1127 (1970 II, p. 3559).

(b) There is no amendment which relates expressly to the subject matter of these regulations.

*Transitional provisions*

15. Until 1st May 1977, Part II of the Labelling of Food (Scotland) Regulations 1970, as amended, shall not apply to any sale or delivery of any honey which complies with these regulations or in relation to any label, ticket, notice or advertisement which so complies.

*Bruce Millan*

One of Her Majesty's Principal  
Secretaries of State.

New St. Andrew's House,  
Edinburgh.  
27th October 1976.

## SCHEDULE 1

*Regulation 2(5)*

## METHOD OF DETERMINING DIASTASE ACTIVITY

*Principle*

1. The diastase activity is expressed in terms of the number of ml. of a one per centum starch solution hydrolysed by the enzyme in 1.0g. of honey in one hour at 40°C. as determined by the method shown below.

*Reagents*

2. The following reagents shall be used (the reagents shall be of analytical reagent quality and any water used shall be distilled water, or water of equivalent purity)—

- (a) iodine stock solution: dissolve 8.88g. iodine in 30-40 ml. water containing 22g. potassium iodide and dilute to 1 litre with water;
- (b) iodine solution A (approx. 0.0007 N): dissolve 20g. potassium iodide in 30-40 ml. water, add 5.0 ml. iodine stock solution and dilute to 500 ml. with water: prepare the solution on the day of use;
- (c) iodine solution B (approx. 0.02 N): dissolve 2.54g. iodine in 30-40 ml. water containing 22g. potassium iodide and dilute to 1 litre with water;
- (d) acetate buffer—pH 5.3 (1.59 M): dissolve 87g. hydrated sodium acetate ( $C_2H_3NaO_2 \cdot 3H_2O$ ) in 400 ml. water, add about 10.5 ml. glacial acetic acid in a little water and make up to 500 ml.: adjust the pH to 5.3 with sodium acetate or acetic acid as necessary, using a pH meter;
- (e) sodium chloride solution 0.5 M: dissolve 14.5 g. sodium chloride in, and dilute to 500 ml. with, water which has been previously boiled and cooled: prepare a fresh solution whenever mould growth becomes apparent;
- (f) starch solution: use a starch with a blue value of between 0.5-0.55, as determined by the method described below (g);

Weigh out that amount of starch which is equivalent to 2.0 g. anhydrous starch. Mix with 90 ml. of water in a 250 ml. conical flask and, while swirling the solution continuously, bring rapidly to the boil by heating over a flame covered with an asbestos-centred gauze. Boil gently for 3 minutes, cover and allow to cool. Transfer to a 100 ml. volumetric flask and place in the water bath (3(a)) until the solution attains a temperature of 40°C., dilute to volume with water and maintain the solution at 40°C.

- (g) method for determining blue value of starch: dissolve an amount of starch equivalent to 1.0 g. anhydrous starch in 90 ml. water by the method described above (2(f)). Cool the solution, add 2.5 ml. buffer solution (2(d)) and



dilute to 100 ml. with water. To a 100 ml. volumetric flask add 75 ml. water, 1 ml. N hydrochloric acid and 1.5 ml. of iodine solution B. Then add 0.5 ml. of the starch solution and make up to volume with water. Allow to stand for one hour in the dark and read in a 1 cm. cell using a spectrophotometer at 660 nm. against a blank containing all solutions except the starch solution. Reading on the absorbance scale=Blue value.

#### *Apparatus*

3. The following apparatus shall be used—
- a water-bath at  $40 \pm 0.2^\circ\text{C}$ .;
  - a spectrophotometer suitable for reading at 660 nm.;
  - graduated cylinders, 50 ml., fitted with ground glass stoppers;
  - a stop-watch.

#### *Method of determination*

4. The determination shall be carried out as follows—
- preparation of sample solution: weigh 10 g. honey into a 50 ml. beaker and add 5 ml. buffer solution (2(d)) together with 20 ml. water; stir until the sample is completely dissolved. Transfer the sample solution to a 50 ml. volumetric flask; add 3 ml. sodium chloride solution (2(e)) and dilute to 50 ml. with water.  
It is essential that the honey should be buffered before coming into contact with sodium chloride.
  - standardisation of the starch solution: pipette 5 ml. starch solution (2(f)) into 10 ml. water at  $40^\circ\text{C}$ . and mix well. Pipette 1 ml. of this solution into 10 ml. of iodine solution A, add 35 ml. water and mix well. Read the absorbance at 660 nm. against water using a 1 cm. cell.  
The absorbance should be  $0.760 \pm 0.020$ . If necessary the volume of added water is adjusted to obtain the correct absorbance.
  - absorbance determination: pipette 10.0 ml. honey solution into a 50 ml. graduated cylinder (3(c)) and place in the water bath with the flask containing starch solution. After 15 minutes pipette 5.0 ml. starch solution into the honey solution, mix, and start stop-watch. At 5 minute intervals remove 1 ml. aliquots and add to 10.0 ml. iodine solution A. Mix and dilute to 50 ml. with water. Immediately determine absorbance at 660 nm. in the spectrophotometer using a 1 cm. cell. Continue taking 1 ml. aliquots at intervals until an absorbance of less than 0.235 is reached.

#### *Calculation and expression of results*

5. Plot absorbance against time in minutes on rectilinear paper and draw a straight line through at least the last three points on the graph to determine the time when the reaction mixture reached an absorbance of 0.235. Divide 300 by the time in minutes to obtain the diastase number (DN). This number expresses the diastase activity as ml. 1 per centum starch solution hydrolysed by the enzyme in 1 g. of honey in 1 h. at  $40^\circ\text{C}$ . Diastase activity=DN=ml. starch solution (1 per centum)/g. honey/h. at  $40^\circ\text{C}$ .

#### *Regulation 4(1)*

#### SCHEDULE 2

#### COMPOSITIONAL REQUIREMENTS FOR HONEY

#### *Apparent reducing sugar content*

1.—(a) Any honeydew honey and any blend of honeydew honey and blossom honey shall have an apparent reducing sugar content, calculated as invert sugar, of not less than 60 per centum.

(b) Any honey other than any honey mentioned in sub-paragraph (a) of this paragraph shall have an apparent reducing sugar content, calculated as invert sugar, of not less than 65 per centum.

*Moisture content*

2.—(a) Any heather honey which is derived wholly or mainly from any species of the genus *Calluna* and any clover honey which is derived wholly or mainly from any species of the genus *Trifolium* shall have a moisture content of not more than 23 per centum, so however that, subject to the provisions of regulation 7, such honey may have a moisture content of more than 23 per centum but not more than 25 per centum if such moisture content is the result of natural conditions of production.

(b) Any honey other than any honey mentioned in sub-paragraph (a) of this paragraph shall have a moisture content of not more than 21 per centum, so however that, subject to the provisions of regulation 7, such honey may have a moisture content of more than 21 per centum but not more than 25 per centum if such moisture content is the result of natural conditions of production.

*Apparent sucrose content*

3.—(a) Any honeydew honey, any blend of honeydew honey and blossom honey, any acacia honey, any lavender honey and any banksia menziesii honey shall have an apparent sucrose content of not more than 10 per centum.

(b) Any honey other than any honey mentioned in sub-paragraph (a) of this paragraph shall have an apparent sucrose content of not more than 5 per centum.

*Water-insoluble solids content*

4.—(a) Any pressed honey shall have a water-insoluble solids content of not more than 0.5 per centum.

(b) Any honey other than any honey mentioned in sub-paragraph (a) of this paragraph shall have a water-insoluble solids content of not more than 0.1 per centum.

*Ash content*

5.—(a) Any honeydew honey and any blend of honeydew honey and blossom honey shall have an ash content of not more than 1 per centum.

(b) Any honey other than any honey mentioned in sub-paragraph (a) of this paragraph shall have an ash content of not more than 0.6 per centum.

*Acidity*

6. Any honey shall have an acidity of not more than 40 milli-equivalents acid per kilogramme.

*Application of requirements as to composition*

7. The requirements as to composition set out in paragraphs 1 to 6 of this Schedule shall not apply to that part of any comb honey, or to that part of any chunk honey, which consists of any comb or any constituent part thereof.

## EXPLANATORY NOTE

*(This Note is not part of the Regulations.)*

These Regulations come into operation on 1st May 1977 except for Regulations 2 and 15 which come into operation on 1st December 1976. The Regulations implement Council Directive No. 74/409/EEC (O.J. No. L221, 12.8.74 p.10) on the harmonisation of the laws of the Member States relating to honey.

The Regulations—

- (a) prescribe definitions for honey, including definitions of blossom honey, honeydew honey, comb honey, chunk honey, drained honey, extracted honey and pressed honey (Regulation 2(1));
- (b) prescribe the method of determining diastase activity (Regulation 2(5) and Schedule 1);
- (c) specify requirements for the composition of honey (Regulation 4 and Schedule 2);
- (d) impose a restriction on the use of honey as an ingredient in the preparation of food (Regulation 5);
- (e) subject to specified exceptions, prohibit the labelling and advertisement with the word or description "honey" of food other than honey as defined in the regulations which complies with appropriate requirements as to composition having effect in relation thereto (Regulation 6 and Schedule 2);
- (f) require honey when sold in containers to be labelled with the description "honey" preceded in specified cases by the word "comb" or the word "chunk" or by the word "baker's" or "industrial", as the case may be, and prescribe the manner of marking and labelling to be employed (Regulations 7 and 9);
- (g) impose restrictions on the labelling and advertisement of honey with references to origin (Regulation 8);
- (h) make consequential amendments to the Labelling of Food (Scotland) Regulation 1970, as amended (Regulation 14).

The Regulations do not apply to honey intended for export or supplied for consumption by Her Majesty's forces or a visiting force (Regulation 3).

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