
EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations, which apply to England, implement Council Directive 2001/112/EC relating to fruit juices and certain similar products intended for human consumption (OJ No L 10, 12.1.2002, p 58), as last amended by Directive 2012/12/EU (OJ No L 115, 27.4.2012, p 1). They revoke and replace the Fruit Juices and Fruit Nectars (England) Regulations 2003 (S.I. 2003/1564).

The Regulations regulate the use of the names fruit juice (regulation 4 and Schedules 2 and 11), fruit juice from concentrate (regulation 5 and Schedules 3 and 13), concentrated fruit juice (regulation 6 and Schedule 4), water extracted fruit juice (regulation 7 and Schedule 5), dehydrated fruit juice and powdered fruit juice (regulation 8 and Schedule 6) and fruit nectar (regulation 9 and Schedules 7 and 12).

They lay down what additional ingredients and substances may be added to regulated products (Schedules 8 and 9) and what treatments the products may undergo in their manufacture (Schedule 10).

They require certain particulars to be indicated when trading in regulated products, including—

- (a) a requirement to indicate the kinds of fruits, or (in some cases) the number of kinds of fruits, used to make a regulated product (regulation 10);
- (b) an indication of whether extra pulp or cells have been added to a fruit juice (regulation 11);
- (c) a requirement for a fruit juice made from a mixture of fruit juice and fruit juice from concentrate to indicate that it is partially made from concentrate or concentrates (regulation 12);
- (d) a requirement to indicate any added lemon juice, lime juice or acidifying agents in a concentrated fruit juice that is not intended for delivery to the final consumer (regulation 13); and
- (e) various indications for a fruit nectar, including an indication of its fruit content (regulation 14).

The Regulations make provision relating to the manner in which the particulars required by these Regulations should be marked or labelled (regulation 15).

These Regulations impose an obligation on food authorities to enforce the Regulations (regulation 16).

The Regulations apply, with modifications, subsections (1) and (2) of section 10 of the Food Safety Act 1990 (1990 c. 16), enabling an improvement notice to be served to require compliance with specified provisions of these Regulations (regulation 17). The provisions, as applied, make the failure to comply with an improvement notice an offence. In addition, the Regulations apply, with modifications, subsections (1) and (6) of section 37, and section 39, of the Food Safety Act 1990 enabling a decision to serve an improvement notice to be appealed (regulation 18).

The Regulations also apply certain other provisions of the Food Safety Act 1990, with modifications (regulation 19 and Schedule 14).

The Regulations also provide for the revocation of certain legislation (regulation 20), consequential amendments (regulation 21 and Schedule 15) and transitional provisions (regulation 22).

Regulation 23 requires the Secretary of State to review the operation and effect of these Regulations and publish a report before 28th October 2018 and within every five years after that. Following a

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review, it will fall to the Secretary of State to consider whether these Regulations should remain as they are, be revoked or be amended. A further instrument would be needed to revoke or amend these Regulations.

A full impact assessment of the effect these Regulations will have on the costs of business, the voluntary sector and the public sector is available from the Food Policy Unit, Department for Environment, Food and Rural Affairs, Nobel House, 17 Smith Square, London SW1P 3JR or from the Department's website at www.gov.uk/defra and is published with the Explanatory Memorandum alongside the Regulations on www.legislation.gov.uk.

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