

2013 No. 2775

FOOD, ENGLAND

The Fruit Juices and Fruit Nectars (England) Regulations 2013

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The following Regulations make provision for a purpose mentioned in section 2(2) of the European Communities Act 1972(a) and it appears to the Secretary of State that it is expedient for any reference in the following Regulations to an EU instrument listed in Schedule 1 to be construed as a reference to that instrument as amended from time to time.

The Secretary of State is a Minister designated(b) for the purposes of section 2(2) of the European Communities Act 1972 in relation to food and drink intended for sale for human consumption, including the presentation, packaging, labelling, marketing and advertising of such food and drink.

Insofar as the following Regulations are made in exercise of powers under the Food Safety Act 1990(c), the Secretary of State has had regard to relevant advice given by the Food Standards Agency in accordance with section 48(4A)(d) of that Act.

There has been consultation as required by Article 9 of Regulation (EC) No 178/2002 of the European Parliament and of the Council laying down the general principles and requirements of food law, establishing the European Food Safety Authority and laying down procedures in matters of food safety(e).

The Secretary of State makes the following Regulations in exercise of the powers conferred by—

- (a) paragraph 1A of Schedule 2 to the European Communities Act 1972(f), so far as relating to regulation 3(3) and Schedule 1;
- (b) sections 114A(g) and 138(7) of the School Standards and Framework Act 1998(h), so far as relating to—
 - (i) regulation 21, to the extent that it relates to paragraph 2 of Schedule 15, and

(a) 1972 c. 68. Section 2(2) was amended by section 27(1)(a) of the Legislative and Regulatory Reform Act 2006 (c. 51) and Part 1 of the Schedule to the European Union (Amendment) Act 2008 (c. 7).

(b) S.I. 2005/2766, to which there are amendments not relevant to these Regulations.

(c) 1990 c. 16.

(d) Section 48(4A) was inserted by paragraph 21 of Schedule 5 to the Food Standards Act 1999 (c. 28).

(e) OJ No L 31, 1.2.2002, p 1, last amended by Regulation (EC) No 596/2009 of the European Parliament and of the Council (OJ No L 188, 18.7.2009, p 14).

(f) Paragraph 1A of Schedule 2 was inserted by section 28 of the Legislative and Regulatory Reform Act 2006 and amended by S.I. 2007/1388 and section 3(3) of, and Part 1 of the Schedule to, the European Union (Amendment) Act 2008.

(g) Section 114A was substituted for section 114, as originally enacted, by section 86(1) of the Education and Inspections Act 2006 (c. 40) and amended by S.I. 2010/1158.

(h) 1998 c. 31, to which there are other amendments not relevant to these Regulations. See section 142(1) for the meaning of “regulations”.

- (ii) paragraph 2 of Schedule 15; and
- (c) sections 6(4)(a), 16(1)(a) and (e), 17(1), 26(1)(a) and (3)(b) and 48(1)(c) of the Food Safety Act 1990, now vested in the Secretary of State(d), so far as relating to the other provisions of these Regulations.

Citation, application, commencement and expiry

1.—(1) These Regulations may be cited as the Fruit Juices and Fruit Nectars (England) Regulations 2013 and apply to England only.

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

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

Definitions 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—

- (a) “fruit juice from concentrate” means a product that complies with the specification in Schedule 3;
- (b) “concentrated fruit juice” means a product that complies with the specification in Schedule 4;
- (c) “water extracted fruit juice” means a product that complies with the specification in Schedule 5;
- (d) “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(e);

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

(a) Section 6(4) was amended by paragraph 6 of Schedule 9 to the Deregulation and Contracting Out Act 1994 (c. 40), paragraph 10(1) and (3) of Schedule 5, and Schedule 6, to the Food Standards Act 1999, and S.I. 2002/794.

(b) Section 26(3) was partially repealed by Schedule 6 to the Food Standards Act 1999.

(c) Section 48(1) was amended by paragraph 8 of Schedule 5 to the Food Standards Act 1999.

(d) Functions formerly exercisable by “the Ministers” (being, in relation to England and Wales and acting jointly, the Minister of Agriculture, Fisheries and Food and the Secretaries of State respectively concerned with health in England and food and health in Wales and, in relation to Scotland, the Secretary of State) are now exercisable in relation to England by the Secretary of State pursuant to paragraph 8 of Schedule 5 to the Food Standards Act 1999.

(e) OJ No L 10, 12.1.2002, p 58, last amended by Directive 2012/12/EU of the European Parliament and of the Council (OJ No 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(a);

“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(b);

“Regulation 1333/2008” means Regulation (EC) No 1333/2008 of the European Parliament and of the Council on food additives(c);

“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—

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

(b) fructose syrup;

(a) OJ No L 10, 12.1.2002, p 47, as read with the corrigendum published in OJ No L 52, 21.2.2007, p 16.

(b) OJ No L 338, 13.11.2004, p 4, last amended by Regulation (EC) No 596/2009 of the European Parliament and of the Council (OJ No L 188, 18.7.2009, p 14).

(c) OJ No L 354, 31.12.2008, p 16, last amended by Commission Regulation (EU) No 913/2013 (OJ No L 252, 24.9.2013, p 11).

(d) OJ No L 10, 12.1.2002, p 53, to which there are corrigenda not relevant to the English version of the Directive.

(c) sugars derived from fruits.

(2) Any other expression not defined in these Regulations and used in these Regulations and 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) But 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 “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 “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 “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.

Use of the name 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 “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 specifications 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) But paragraph (1) does not prevent a name listed in column 2 of Schedule 12 being used as the name of 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), the “[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 paragraph (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 listed 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 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” substituting “[x]” with the appropriate figure.

(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 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 for the consumer, is made and sugars are naturally present in the fruit nectar, the words “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^(a) (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;
- (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.

Improvement notice – application of subsections (1) and (2) of section 10 of the Act

17.—(1) Subsections (1) and (2) of section 10 of the Act (improvement notices) apply for the purposes of these Regulations with the following modifications.

(2) For subsection (1), substitute—

“(1) If an authorised officer of an enforcement authority has reasonable grounds for believing that a person is failing to comply with a provision of the Fruit Juices and Fruit Nectars (England) Regulations 2013 specified in subsection (1A), the authorised officer may, by a notice served on that person (in this Act referred to as an “improvement notice”)—

- (a) state the officer’s grounds for believing that the person is failing to comply with the relevant provision;
- (b) specify the matters which constitute the person’s failure so to comply;
- (c) specify the measures which, in the officer’s opinion, the person must take in order to secure compliance; and
- (d) require the person to take those measures, or measures that are at least equivalent to them, within such period (not being less than 14 days) as may be specified in the notice.

(1A) The provisions are—

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

(a) S.I 1996/1499; relevant amending instruments are S.I. 1999/747, 2000/768, 2254.

- (l) regulation 13;
- (m) regulation 14(1);
- (n) regulation 15.”.

Appeal against improvement notice – application of subsections (1) and (6) of section 37, and section 39, of the Act

18.—(1) Subsections (1) and (6) of section 37 of the Act (appeals) apply for the purposes of these Regulations with the following modifications—

(a) for subsection (1), substitute—

“(1) Any person who is aggrieved by a decision of an authorised officer of an enforcement authority to serve an improvement notice under section 10(1), as applied and modified by regulation 17 of the Fruit Juices and Fruit Nectars (England) Regulations 2013, may appeal to the First-tier Tribunal.”; and

(b) in subsection (6)—

(i) for “(3) or (4)”, substitute “(1)”; and

(ii) in paragraph (a), for “a magistrates’ court or to the sheriff”, substitute “the First-tier Tribunal”.

(2) Section 39 of the Act (appeals against improvement notices) applies for the purposes of these Regulations with the following modifications—

(a) for subsection (1), substitute—

“(1) On an appeal against a decision of an authorised officer of an enforcement authority to serve an improvement notice under section 10(1), as applied and modified by regulation 17 of the Fruit Juices and Fruit Nectars (England) Regulations 2013, the First-tier Tribunal may either cancel or affirm the notice, and, if it affirms it, may do so either in its original form or with such modifications as the Tribunal may in the circumstances think fit.”; and

(b) in subsection (3), omit “for want of prosecution”.

Application of other provisions of the Act

19. 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

20.—(1) The following Regulations are revoked—

(a) the Fruit Juices and Fruit Nectars (England) Regulations 2003(a);

(b) the Fruit Juices and Fruit Nectars (England) (Amendment) Regulations 2011(b).

(2) Regulation 9 of the Food Enzymes Regulations 2009(c) is revoked.

Consequential amendments

21. Schedule 15 has effect.

(a) S.I. 2003/1564; relevant amending instruments are S.I. 2009/3235, 2011/1135.
(b) S.I. 2011/1135.
(c) S.I. 2009/3235.

Transitional provisions

22.—(1) An authorised officer of an enforcement authority must not serve an improvement notice under section 10(1) of the Act, as applied and modified by regulation 17, before 28th April 2015 if—

- (a) the improvement notice would 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 (England) 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”(a).

Review

23.—(1) Before the end of each review period, the Secretary of State must—

- (a) carry out a review of these Regulations,
- (b) set out the conclusions of the review in a report, and
- (c) publish the report.

(2) In carrying out the review the Secretary of State must, so far as is reasonable, have regard to how Directive 2001/112/EC (which is implemented by means of these Regulations) is implemented in other member States.

(3) The report must, in particular—

- (a) set out the objectives intended to be achieved by the regulatory system established by these Regulations,
- (b) assess the extent to which those objectives have been achieved, and
- (c) assess whether those objectives remain appropriate and, if so, the extent to which they could be achieved with a system that imposes less regulation.

(4) The first report under this regulation must be published before 28th October 2018.

(5) Reports under this regulation are afterwards to be published at intervals not exceeding five years.

28th October 2013

George Eustice
Minister of State
Department for Environment, Food and Rural Affairs

SCHEDULE 1

Regulation 3(3)

Ambulatory references

The EU instruments that must be construed as amended from time to time are—

- (a) Council Directive 98/83/EC on the quality of water intended for human consumption(b);

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

(b) OJ No L 330, 5.12.1998, p 32, last amended by Regulation (EC) No 596/2009 of the European Parliament and of the Council (OJ No L 188, 18.7.2009, p 14).

- (b) Council Directive 2001/110/EC;
- (c) Council Directive 2001/111/EC;
- (d) Directive 2001/112/EC;
- (e) Regulation 1935/2004;
- (f) Regulation (EC) No 1925/2006 of the European Parliament and of the Council on the addition of vitamins and minerals and of certain other substances to foods(a);
- (g) Regulation (EC) No 1332/2008 of the European Parliament and of the Council on food enzymes and amending Council Directive 83/417/EEC, Council Regulation (EC) No 1493/1999, Directive 2000/13/EC, Council Directive 2001/112/EC and Regulation (EC) No 258/97(b);
- (h) Regulation 1333/2008.

SCHEDULE 2

Regulation 2(1)

Specification for fruit juice

1. Fruit juice is the fermentable but unfermented product obtained from the edible part of fruit which is sound, ripe and fresh or preserved by chilling or freezing of one or more kinds mixed together having the characteristic colour, flavour and taste typical of the juice of the fruit from which it comes.

2. As well as the product mentioned in paragraph 1, and without prejudice to entries numbers 4 and 7 of Schedule 11, the fruit juice may contain any of the following—

- (a) an authorised additional ingredient;
- (b) an authorised additional substance;
- (c) restored flavour, pulp and cells (or any one or more of them) obtained by suitable physical means from the same species of fruit;
- (d) in the case of grape juice, restored salts of tartaric acids; and
- (e) in the case of tomato juice, salt, spices and aromatic herbs.

3. In the case of citrus fruits, except for lime, the fruit juice must come from the endocarp.

4. In the case of lime juice, the fruit juice must come from the endocarp or the whole fruit.

5. Where a juice is processed from a fruit with pips, seeds and peel, parts or components of pips, seeds and peel must not be incorporated in the juice.

6. Paragraph 5 does not apply in a case where parts or components of pips, seeds and peel cannot be removed by good manufacturing practices.

7. Fruit juice may be mixed with fruit purée in the production of the fruit juice.

8. No treatment, except for an authorised treatment, may be used in the manufacture of a fruit juice.

9. The Brix level of the product must be the Brix level of the juice as extracted from the fruit and must not be modified, except by blending with the juice of the same species of fruit.

(a) OJ No L 404, 30.12.2006, p 26, last amended by Regulation (EU) No 1169/2011 of the European Parliament and of the Council (OJ No L 304, 22.11.2011, p 18).

(b) OJ No L 354, 31.12.2008, p 7, last amended by Commission Regulation (EU) No 1056/2012 (OJ No L 313, 13.11.2012, p 9).

SCHEDULE 3

Regulation 2(2)(a)

Specification for fruit juice from concentrate

1. Fruit juice from concentrate is the product obtained by reconstituting concentrated fruit juice with potable water that meets the criteria set out in Council Directive 98/83/EC.

2. In a case where a fruit juice from concentrate is manufactured from a fruit specified in column 2 of Schedule 13, the soluble solids content of the finished product must have a Brix level of at least the level specified in the corresponding entry in column 3 of that Schedule, as read together with the Notes to that Schedule.

3. In a case where a fruit juice from concentrate is manufactured from a fruit that is not specified in column 2 of Schedule 13, the soluble solids content of the finished product must have a Brix level of the juice as extracted from the fruit used to make the concentrate.

4. The product must be prepared by suitable processes that maintain the essential physical, chemical, organoleptical and nutritional characteristics of an average type of juice of the fruit from which it comes.

5. In the production of the product, concentrated fruit juice, or both fruit juice and concentrated fruit juice, may be mixed with—

- (a) fruit purée;
- (b) concentrated fruit purée; or
- (c) both fruit purée and concentrated fruit purée.

6. As well as the ingredients mentioned in paragraphs 1 and 5, the product may contain any of the following—

- (a) an authorised additional ingredient;
- (b) an authorised additional substance;
- (c) restored flavour, pulp and cells (or any one or more of them) obtained by suitable physical means from the same species of fruit; and
- (d) in the case of tomato juice from concentrate, salt, spices and aromatic herbs.

7. No treatment, except for an authorised treatment, may be used in the manufacture of a product.

8. Any reference to a Brix level in this Schedule is a reference to the Brix level of a juice exclusive of the soluble solids of any added optional ingredients and additives.

SCHEDULE 4

Regulation 2(2)(b)

Specification for concentrated fruit juice

1. Concentrated fruit juice is the product obtained from fruit juice of one or more fruit species by the physical removal of a specific proportion of its water content.

2. Where the product is intended for direct consumption, the proportion of water content removed must be at least 50%.

3. As well as the ingredients mentioned in paragraph 1, the product may contain any of the following—

- (a) an authorised additional ingredient;
- (b) an authorised additional substance; and
- (c) restored flavour, pulp and cells (or any one or more of them) obtained by suitable physical means from the same species of fruit.

4. No treatment, except for an authorised treatment, may be used in the manufacture of a product.

SCHEDULE 5

Regulation 2(2)(c)

Specification for water extracted fruit juice

1. Water extracted fruit juice is the product obtained by diffusion with water of—
 - (a) pulpy whole fruit whose juice cannot be extracted by any physical means; or
 - (b) dehydrated whole fruit.
2. As well as the ingredients mentioned in paragraph 1, the product may contain either, or both, of the following—
 - (a) an authorised additional ingredient; and
 - (b) an authorised additional substance.
3. No treatment, except for an authorised treatment, may be used in the manufacture of a product.

SCHEDULE 6

Regulations 2(2)(d)

Specification for dehydrated fruit juice and powdered fruit juice

1. Dehydrated fruit juice or powdered fruit juice is the product obtained from fruit juice of one or more fruit species by the physical removal of virtually all of its water content.
2. As well as the ingredients mentioned in paragraph 1, the product may contain either, or both, of the following—
 - (a) an authorised additional ingredient; and
 - (b) an authorised additional substance.
3. No treatment, except for an authorised treatment, may be used in the manufacture of a product.

SCHEDULE 7

Regulation 2(3)

Specification for fruit nectar

PART 1

General specification for fruit nectar

1. Fruit nectar is the fermentable but unfermented product that is obtained by adding water to a juice listed in paragraph 2 either with or without one or both of the substances listed in paragraph 3.
2. The juices are—
 - (a) fruit juice;
 - (b) fruit juice from concentrate;
 - (c) concentrated fruit juice;
 - (d) water extracted fruit juice;

- (e) dehydrated fruit juice;
- (f) powdered fruit juice;
- (g) fruit purée;
- (h) concentrated fruit purée; or
- (i) any mixture of the products mentioned in subparagraphs (a) to (h).

3. The substances are—

- (a) sugars, and
- (b) honey.

4. The amount of sugars or honey, or sugars and honey, added to the product in accordance with paragraph 1 must not exceed 20% of the total weight of the finished product.

5. The product must contain the minimum content of fruit juice, fruit purée, or a mixture of such juice and purée, specified in Part 2.

6. Where the product is manufactured without added sugar or with reduced energy value, sugars may be replaced wholly or partially by sweeteners in accordance with the requirements of Regulation 1333/2008.

7. As well as the ingredients mentioned in paragraphs 1, 2, 3, 5 and 6, the product may contain any of the following—

- (a) an authorised additional ingredient;
- (b) an authorised additional substance;
- (c) restored flavour, pulp and cells (or any one or more of them) obtained by suitable physical means from the same species of fruit; and
- (d) sweeteners (which may be added in addition to any sugar or honey added in accordance with paragraph 1 as read with paragraph 3).

8. No treatment, except for an authorised treatment, may be used in the manufacture of a product.

PART 2

Minimum juice and purée content of fruit nectars

<i>Fruit nectars made from</i>	<i>Minimum juice, purée or juice and purée content (% by volume of finished product)</i>
1. Fruit nectars made from fruits with acidic juice unpalatable in the natural state	
Apricots	40
Bilberries	40
Blackberries	40
Blackcurrants	25
Cranberries	30
Elderberries	50
Gooseberries	30
Lemons and limes	25
Mulberries	40
Passion fruit	25
Plums	30
Quetsches	30
Quinces	50
Quito naranjillos	25

<i>Fruit nectars made from</i>	<i>Minimum juice, purée or juice and purée content (% by volume of finished product)</i>
Raspberries	40
Redcurrants	25
Rose hips	40
Rowanberries	30
Seabuckthorn berries	25
Sloes	30
Sour cherries	35
Other cherries	40
Strawberries	40
Whitecurrants	25
Other fruits belonging to this category	25
2. Low-acid, pulpy or highly-flavoured fruits with juice unpalatable in the natural state	
Azeroles (Neapolitan medlars)	25
Bananas	25
Bullock's heart or custard apple	25
Cashew fruits	25
Guavas	25
Lychees	25
Mangoes	25
Papayas	25
Pomegranates	25
Soursop	25
Spanish plums	25
Sugar apples	25
Umbu	25
Other fruits belonging to this category	25
3. Fruits with juice palatable in the natural state	
Apples	50
Citrus fruits except lemons and limes	50
Peaches	50
Pears	50
Pineapples	50
Tomatoes	50
Other fruits belonging to this category	50

SCHEDULE 8

Regulation 3(1)

Authorised additional ingredients

1. Any vitamin or mineral authorised in accordance with Regulation (EC) No 1925/2006.
2. Any food additive authorised in accordance with Regulation 1333/2008.
3. Any one or more of the following juices (expressed as anhydrous citric acid) added for the purpose of regulating acidic taste if the total amount of such added juice does not exceed 3 grams per litre of the product—
 - (a) lemon juice;
 - (b) lime juice;
 - (c) concentrated lemon juice;
 - (d) concentrated lime juice.

SCHEDULE 9

Regulation 3(1)

Authorised additional substances

1. The following enzyme preparations meeting the requirements of Regulation (EC) No 1332/2008—

- (a) pectinases, for the breakdown of pectin;
- (b) proteinases, for the breakdown of proteins; and
- (c) amylases, for the breakdown of starch.

2. Edible gelatine.

3. Tannins.

4. Silica sol.

5. Charcoal.

6. Nitrogen.

7. Bentonite as an adsorbent clay.

8. Chemically inert filtration aids and precipitation agents, including perlite, washed diatomite, cellulose, insoluble polyamide, polyvinylpyrrolidone, and polystyrene, which comply with Regulation 1935/2004.

9. Chemically inert adsorption aids which comply with Regulation 1935/2004 and which are used to reduce the limonoid and naringin content of citrus juice without significantly affecting the limonoid glucosides, acid, sugars (including oligosaccharides) or mineral content of such juice.

SCHEDULE 10

Regulation 3(1)

Authorised treatments

1. Mechanical extraction processes.

2. The usual physical processes, including in-line water extraction (diffusion) of the edible part of the fruit used in the manufacture of a concentrated fruit juice (except in-line water extraction (diffusion) in relation to grapes used in the manufacture of a concentrated fruit juice), if the fruit juice obtained in this way complies with—

- (a) in the case of fruit juice, the requirements in Schedule 2; and
- (b) in the case of fruit juice from concentrate, the requirements in Schedule 3.

3. In the production of grape juice where sulphitation of the grapes with sulphur dioxide has been used, desulphitation by physical means if the total quantity of sulphur dioxide in the finished product does not exceed 10 mg per litre of the juice.

SCHEDULE 11

Regulation 4(2)

Alternative designations for fruit juice

<i>Column 1 Entry</i>	<i>Column 2 Designation</i>	<i>Column 3 Product</i>
1.	“Süßmost”	The designation “Süßmost” may be used, but only in conjunction with the product name “Fruchtsaft” or “Fruchtnektar”, for a fruit juice obtained from— (a) apples;

<i>Column 1</i> <i>Entry</i>	<i>Column 2</i> <i>Designation</i>	<i>Column 3</i> <i>Product</i>
		(b) pears; or (c) pears with the addition of apples where appropriate.
2.	“æblemost”	Apple juice.
3.	“sur ... saft”, together with the name (in Danish) of the fruit used	Juices obtained from blackcurrants, cherries, redcurrants, whitecurrants, raspberries, strawberries or elderberries.
4.	“sød ... saft” or “sødet ... saft” together with the name (in Danish) of the fruit used	Juices obtained from the named fruit with more than 200 grams of added sugar per litre in the form of sugar, honey or both sugar and honey.
5.	“äppelmust/äpplemust”	Apple juice.
6.	“mosto”	Synonym of grape juice.
7.	“smiltsērķšķu sula ar cukuru”, “astelpaju mahl suhkruga” or “słodzony sok z rokitnika”	Juices obtained from seabuckthorn berries with no more than 140 grams of added sugar per litre in the form of sugar, honey or both sugar and honey.

SCHEDULE 12

Regulation 9(2)

Alternative designations for fruit nectar

<i>Column 1</i> <i>Entry</i>	<i>Column 2</i> <i>Designation</i>	<i>Column 3</i> <i>Product</i>
1.	“vruchtendrank”	
2.	“Süßmost”	The designation “Süßmost” may be used, but only in conjunction with the product names “Fruchtsaft” or “Fruchtnektar”, for fruit nectar obtained exclusively from fruit juices, concentrated fruit juices or a mixture of these products, unpalatable in the natural state because of their high natural acidity.
3.	“succo e polpa” or “sumo e polpa”	For fruit nectars obtained exclusively from fruit purée or concentrated fruit purée or from both fruit purée and concentrated fruit purée.

SCHEDULE 13

Regulation 10(6)

Minimum Brix levels for a fruit juice from concentrate

<i>Column 1</i> <i>Common Name of the Fruit</i>	<i>Column 2</i> <i>Botanical Name</i>	<i>Column 3</i> <i>Minimum Brix level</i>
Apple (*)	<i>Malus domestica</i> Borkh.	11.2
Apricot (**)	<i>Prunus armeniaca</i> L.	11.2
Banana (**)	<i>Musa x paradisiaca</i> L. (excluding plantains)	21.0
Blackcurrant (*)	<i>Ribes nigrum</i> L.	11.0
Grape (*)	<i>Vitis vinifera</i> L. or hybrids thereof <i>Vitis labrusca</i> L. or hybrids thereof	15.9
Grapefruit (*)	<i>Citrus x paradisi</i> Macfad.	10.0

<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>
<i>Common Name of the Fruit</i>	<i>Botanical Name</i>	<i>Minimum Brix level</i>
Guava (**)	<i>Psidium guajava</i> L.	8.5
Lemon (*)	<i>Citrus limon</i> (L.) Burm.f.	8.0
Mandarin (*)	<i>Citrus reticulata</i> Blanco	11.2
Mango (**)	<i>Mangifera indica</i> L.	13.5
Orange (*)	<i>Citrus sinensis</i> (L.) Osbeck	11.2
Passion Fruit (*)	<i>Passiflora edulis</i> Sims	12.0
Peach (**)	<i>Prunus persica</i> (L.) Batsch var. <i>persica</i>	10.0
Pear (**)	<i>Pyrus communis</i> L.	11.9
Pineapple (*)	<i>Ananas comosus</i> (L.) Merr.	12.8
Raspberry (*)	<i>Rubus idaeus</i> L.	7.0
Sour Cherry (*)	<i>Prunus cerasus</i> L.	13.5
Strawberry (*)	<i>Fragaria x ananassa</i> Duch.	7.0
Tomato (*)	<i>Lycopersicon esculentum</i> Mill.	5.0

Notes:

1. For those products marked with an asterisk (*), which are produced as a juice, a minimum relative density is determined as such in relation to water at 20/20 °C.
2. For those products marked with two asterisks (**), which are produced as a purée, only a minimum uncorrected Brix reading (without correction of acid) is determined.

SCHEDULE 14

Regulation 19

Application of other provisions of the Act

<i>Column 1</i>	<i>Column 2</i>
<i>Provision of the Act</i>	<i>Modifications</i>
Section 3 (presumptions that food intended for human consumption)	In subsection (1), for “this Act” substitute “the Fruit Juices and Fruit Nectars (England) Regulations 2013”.
Section 20 (offences due to fault of another person)	For “any of the preceding provisions of this Part” substitute “section 10(2), as applied by regulation 17(1) of the Fruit Juices and Fruit Nectars (England) Regulations 2013,”.
Section 21(1) and (5) (defence of due diligence)	In subsection (1), for “any of the preceding provisions of this Part” substitute “section 10(2), as applied by regulation 17(1) of the Fruit Juices and Fruit Nectars (England) Regulations 2013,”.
Section 30(8) (which relates to evidence of certificates given by a food analyst or examiner)	For “this Act” substitute “the Fruit Juices and Fruit Nectars (England) Regulations 2013”.
Section 33 (obstruction etc. of officers)	In subsection (1), for “this Act” (in each place occurring) substitute “the Fruit Juices and Fruit Nectars (England) Regulations 2013”.

<i>Column 1</i> <i>Provision of the Act</i>	<i>Column 2</i> <i>Modifications</i>
Section 35(1)(a) and (2) (punishment of offences)	Regulations 2013”. In subsection (1), after “section 33(1) above”, insert “, as applied and modified by regulation 19 of, and Schedule 14 to, the Fruit Juices and Fruit Nectars (England) Regulations 2013,”. After subsection (1), insert the following subsection— “(1A) A person guilty of an offence under section 10(2), as applied by regulation 17(1) of the Fruit Juices and Fruit Nectars (England) Regulations 2013, shall be liable, on summary conviction, to a fine not exceeding level 5 on the standard scale.”. In subsection (2)— (a) for “any other offence under this Act”, substitute “an offence under section 33(2), as applied by regulation 19 of, and Schedule 14 to, the Fruit Juices and Fruit Nectars (England) Regulations 2013,”; and (b) in paragraph (b), for “relevant amount”, substitute “statutory maximum”.
Section 36 (offences by body corporate)	In subsection (1), for “this Act” substitute “section 10(2), as applied by regulation 17(1) of the Fruit Juices and Fruit Nectars (England) Regulations 2013,”.
Section 36A(b) (offences by Scottish partnerships)	In subsection (1), for “this Act” substitute “section 10(2), as applied by regulation 17(1) of the Fruit Juices and Fruit Nectars (England) Regulations 2013,”.
Section 44 (protection of officers acting in good faith)	For “this Act” (in each place occurring) substitute “the Fruit Juices and Fruit Nectars (England) Regulations 2013”.

SCHEDULE 15

Regulation 21

Consequential amendments

Amendment of the Food Labelling Regulations 1996

1. Insert the following regulation after regulation 17 of the Food Labelling Regulations 1996(c)—

“Restoration of fruit juices and similar products

17A. The restoration of products defined in Part I of Annex I to Council Directive 2001/112/EC relating to fruit juices and certain similar products intended for human consumption to their original state, by means of the substances strictly necessary for this operation, does not entail an obligation to enter on the labels a list of the ingredients used for the purpose of that restoration.”.

-
- (a) Section 35(1) is amended by paragraph 42 of Schedule 26 to the Criminal Justice Act 2003 (c. 44) from a date to be appointed.
(b) Section 36A was inserted by paragraph 16 of Schedule 5 to the Food Standards Act 1999.
(c) S.I 1996/1499, to which there are amendments not relevant to these Regulations.

Amendment of the Education (Nutritional Standards and Requirements for School Food) (England) Regulations 2007

2.—(1) The Education (Nutritional Standards and Requirements for School Food) (England) Regulations 2007(a) are amended as follows.

(2) In regulation 2(1) (interpretation)—

- (a) in the definition of “the Fruit Juices Regulations”, for “the Fruit Juices and Fruit Nectars (England) Regulations 2003”, substitute “the Fruit Juices and Fruit Nectars (England) Regulations 2013”;
- (b) in the definition of “fruit juice”, for “in Schedule 1 to the Fruit Juices Regulations”, substitute “in accordance with regulations 4 and 5 of the Fruit Juices Regulations, as read with Schedules 2 and 3 to those Regulations respectively”.

(3) Omit regulation 10(2) (addition of sugars to fruit juice).

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

(a) S.I. 2007/2359, amended by S.I. 2008/1800; there are other amending instruments but none is relevant.

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 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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