



OFFERYNNAU STATUDOL
CYMRU

WELSH STATUTORY
INSTRUMENTS

2011 Rhif 700 (Cy.107)

2011 No. 700 (W.107)

BWYD, CYMRU

FOOD, WALES

Rheoliadau Suddoedd Ffrwythau a
Neithdarau Ffrwythau (Cymru)
(Diwygio) 2011

The Fruit Juices and Fruit Nectars
(Wales) (Amendment) Regulations
2011

NODYN ESBONIADOL

EXPLANATORY NOTE

(Nid yw'r nodyn hwn yn rhan o'r Rheoliadau)

(This note is not part of the Regulations)

Mae'r Rheoliadau hyn, sy'n gymwys o ran Cymru, yn trosi Cyfarwyddeb y Comisiwn 2009/106/EC sy'n diwygio Cyfarwyddeb y Cyngor 2001/112/EC ynglŷn â suddoedd ffrwythau a chynhyrchion tebyg penodol sydd wedi eu bwriadu ar gyfer eu hyfed gan bobl (OJ Rhif L212, 15.8.2009, t.42).

These Regulations, which apply in relation to Wales, transpose Commission Directive 2009/106/EC amending Council Directive 2001/112/EC relating to fruit juices and certain similar products intended for human consumption (OJ No. L212, 15.8.2009, p.42).

Mae Cyfarwyddeb y Comisiwn 2009/106/EC yn gwneud dau ddiwygiad i Gyfarwyddeb y Cyngor 2001/112/EC (OJ Rhif L10, 12.1.2002, t.58). Yn gyntaf, mae'n gwneud newid ieithyddol bach mewn perthynas â chynhyrchion sudd cymysg sy'n cynnwys sudd ffrwythau a suddoedd ffrwythau o ddwysfwyd ac mewn perthynas â neithdarau a gafwyd yn gyfan gwbl neu'n rhannol o un neu fwy o gynhyrchion dwysedig, er mwyn lleddfu ar anawsterau cyfieithu ledled Aelod-wladwriaethau'r UE. Yn ail, mae'n cyflwyno tabl sy'n gosod y lefelau Brix gofynnol ar gyfer suddoedd ffrwythau o ddwysfwyd.

Commission Directive 2009/106/EC makes two amendments to Council Directive 2001/112/EC (OJ No. L10, 12.1.2002, p.58). First, it makes a small linguistic change in relation to mixed juice products containing fruit juice and fruit juices from concentrate and to nectars obtained wholly or partly from one or more concentrated products, in order to alleviate translational difficulties across Member States of the EU. Second, it introduces a table laying down the minimum Brix levels for fruit juices from concentrate.

Mae'r Rheoliadau hyn yn diwygio Rheoliadau Suddoedd Ffrwythau a Neithdarau Ffrwythau (Cymru) 2003 (O.S. 2003/3041 (Cy.286)), er mwyn—

These Regulations amend the Fruit Juices and Fruit Nectars (Wales) Regulations 2003 (S.I. 2003/3041 (W.286)), so as to—

- (a) darparu bod rhaid i sudd ffrwythau o ddwysfwyd gynnwys y lefelau Brix gofynnol a bennir yn Atodlen 6, o'u darllen ynghyd â'r Nodiadau i'r Atodlen honno (rheoliad 2(2) a'r Atodlen) (mae lefelau Brix yn darparu mesur o ansawdd drwy osod solidau toddadwy (cynnwys siwgr) gofynnol ar gyfer suddoedd ffrwythau);
- (b) gwneud newid ieithyddol bach i labelu a disgrifio cynhyrchion sudd cymysg sy'n cynnwys sudd ffrwythau a suddoedd ffrwythau

- (a) provide that a fruit juice from concentrate must contain the minimum Brix levels specified in Schedule 6, read together with the Notes to that Schedule (regulation 2(2) and the Schedule) (Brix levels provide a measure of quality by setting minimum soluble solids (sugar content) for fruit juices);
- (b) make a small linguistic change to the labelling and description of mixed juice products containing fruit juice and fruit juices from

o ddwysfwyd, a neithdarau a gafwyd yn gyfan gwbl neu'n rhannol o un neu fwy o gynhyrchion dwysedig (rheoliad 2(3));

- (c) diwygio Atodlen 1 (Disgrifiadau Neilltuedig ar gyfer Cynhyrchion Dynodedig) fel bod eitem 3 (Fruit juice from concentrate) o Atodlen 1 yn croesgyfeirio at Atodlen 6 (Y Lefelau Brix Gofynnol ar gyfer Suddoedd Ffrwythau o Ddwysfwyd) (rheoliad 2(4)(a) a'r Atodlen);
- (ch) diwygio Atodlen 1 fel bod cyfeiriad anghywir o fewn eitem 5 (Fruit nectar) yn cael ei gywiro (rheoliad 2(4)(b));
- (d) ychwanegu fel Atodlen 6, Atodlen newydd sy'n darparu 'Y Lefelau Brix Gofynnol ar gyfer Suddoedd Ffrwythau o Ddwysfwyd' (rheoliad 2(5) a'r Atodlen).

Mae asesiad effaith rheoleiddiol wedi ei baratoi ynghylch y costau a buddion tebygol o gydymffurfio â'r Rheoliadau hyn. Gellir cael copi gan yr Asiantaeth Safonau Bwyd, Llawr 11, Tŷ Southgate, Caerdydd, CF10 1EW.

concentrate, and of nectars obtained wholly or partly from one or more concentrated products (regulation 2(3));

- (c) amend Schedule 1 (Reserved Descriptions For Designated Products) so that item 3 (Fruit juice from concentrate) of Schedule 1 cross-refers to Schedule 6 (Minimum Brix Levels For Fruit Juices From Concentrate) (regulation 2(4)(a) and the Schedule);
- (d) amend Schedule 1 so that an incorrect reference within item 5 (Fruit nectar) is corrected (regulation 2(4)(b));
- (e) add as Schedule 6 a new Schedule which provides 'Minimum Brix Levels For Fruit Juices From Concentrate' (regulation 2(5) and the Schedule).

A regulatory impact assessment has been prepared as to the likely costs and benefits of complying with these Regulations. A copy can be obtained from the Food Standards Agency, 11th Floor, Southgate House, Cardiff, CF10 1EW.

2011 Rhif 700 (Cy.107)

BWYD, CYMRU

**Rheoliadau Suddoedd Ffrwythau a
Neithdarau Ffrwythau (Cymru)
(Diwygio) 2011**

| | |
|--|-----------------------|
| <i>Gwnaed</i> | <i>8 Mawrth 2011</i> |
| <i>Gosodwyd gerbron Cynulliad Cenedlaethol Cymru</i> | <i>10 Mawrth 2011</i> |
| <i>Yn dod i rym</i> | <i>31 Mawrth 2011</i> |

Mae Gweinidogion Cymru yn gwneud y Rheoliadau hyn drwy arfer y pwerau a roddwyd gan adrannau 16(1)(a) ac (e), 17(1) a 48(1) o Ddeddf Diogelwch Bwyd 1990(1) ac sydd bellach wedi eu breinio(2) ynddynt hwy.

Yn unol ag adran 48(4A) o'r Ddeddf honno, maent wedi rhoi sylw i gyngor perthnasol a roddwyd gan yr Asiantaeth Safonau Bwyd.

Fel sy'n ofynnol gan Erthygl 9 o Reoliad (EC) Rhif 178/2002 Senedd Ewrop a'r Cyngor, sy'n gosod egwyddorion cyffredinol a gofynion cyfraith bwyd, yn sefydlu Awdurdod Diogelwch Bwyd Ewrop ac yn gosod gweithdrefnau o ran materion diogelwch

(1) 1990 p.16. Amnewidwyd adran 1(1) a (2) (y diffiniad o "food") gan O.S. 2004/2990. Diwygiwyd adrannau 16, 17 a 48 gan adran 40(1) o Ddeddf Safonau Bwyd 1999 (p.28) ("Deddf 1999") a pharagraffau 7 ac 8 o Atodlen 5 iddi. Diwygiwyd adran 17 hefyd gan adran 40(1) o Ddeddf 1999 a pharagraff 12 o Atodlen 5 iddi. Diwygiwyd adran 48 hefyd gan adran 40(1) o Ddeddf 1999 a pharagraff 21 o Atodlen 5 iddi, a chan O.S. 2004/2990.

(2) Cafodd swyddogaethau a oedd gynt yn arferadwy gan "the Ministers" (sef, mewn perthynas â Chymru a Lloegr ac yn gweithredu ar y cyd, y Gweinidog dros Amaethyddiaeth, Pysgodfeydd a Bwyd a'r Ysgrifenyddion Gwladol sy'n ymwneud yn eu tro ag iechyd yn Lloegr a bwyd ac iechyd yng Nghymru, ac, mewn perthynas â'r Alban, yr Ysgrifennydd Gwladol), i'r graddau yr oeddent yn arferadwy mewn perthynas â Chymru, eu trosglwyddo i Gynulliad Cenedlaethol Cymru gan Orchymyn Cynulliad Cenedlaethol Cymru (Trosglwyddo Swyddogaethau) 1999 (O.S. 1999/672) fel y'i darllenir gydag adran 40(3) o Ddeddf 1999, a'u trosglwyddo wedi hynny i Weinidogion Cymru yn rhinwedd adran 162 o Ddeddf Llywodraeth Cymru 2006 a pharagraff 30 o Atodlen 11 iddi (2006 p.32).

2011 No. 700 (W.107)

FOOD, WALES

**The Fruit Juices and Fruit Nectars
(Wales) (Amendment) Regulations
2011**

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|--|----------------------|
| <i>Made</i> | <i>8 March 2011</i> |
| <i>Laid before the National Assembly for Wales</i> | <i>10 March 2011</i> |
| <i>Coming into force</i> | <i>31 March 2011</i> |

The Welsh Ministers makes these Regulations in exercise of the powers conferred by sections 16(1)(a) and (e), 17(1) and 48(1) of the Food Safety Act 1990(1) which are now vested(2) in them.

In accordance with section 48(4A) of that Act, they have had regard to relevant advice given by the Food Standards Agency.

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

(1) 1990 c.16. Section 1(1) and (2) (definition of "food") was substituted by S.I. 2004/2990. Sections 16, 17 and 48 were amended by section 40(1) of, and paragraphs 7 and 8 of Schedule 5 to, the Food Standards Act 1999 (c.28) ("the 1999 Act"). Section 17 was also amended by section 40(1) of, and paragraph 12 of Schedule 5 to, the 1999 Act. Section 48 was also amended by section 40(1) of, and paragraph 21 of Schedule 5 to, the 1999 Act and S.I. 2004/2990.

(2) 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) so far as exercisable in relation to Wales, were transferred to the National Assembly for Wales by the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672) as read with section 40(3) of the 1999 Act, and subsequently transferred to the Welsh Ministers by virtue of section 162 of, and paragraph 30 of Schedule 11 to the Government of Wales Act 2006 (2006 c.32).

bwyd(1), cafwyd ymgynghori agored a thryloyw â'r cyhoedd yn ystod cyfnod paratoi a gwerthuso'r Rheoliadau hyn.

Enwi, cychwyn a chymhwysu

1.—(1) Enw'r Rheoliadau hyn yw Rheoliadau Suddoedd Ffrwythau a Neithdarau Ffrwythau (Cymru) (Diwygio) 2011, a deuant i rym ar 31 Mawrth 2011.

(2) Mae'r Rheoliadau hyn yn gymwys o ran Cymru.

Diwygio Rheoliadau Suddoedd Ffrwythau a Neithdarau Ffrwythau (Cymru) 2003

2.—(1) Mae Rheoliadau Suddoedd Ffrwythau a Neithdarau Ffrwythau (Cymru) 2003(2) wedi eu diwygio fel a ganlyn.

(2) Ym mharagraff (2) o reoliad 2—

- (a) ar ddiwedd is-baragraff (ch), hepgorer y gair "a";
- (b) ar ddiwedd is-baragraff (d), rhodder "; ac" yn lle'r atalnod llawn; ac
- (c) ar ôl is-baragraff (d) mewnosoder—

"(dd) ac yntau'n fwyd ac iddo'r disgrifiad neilltuedig "fruit juice from concentrate", os yw'n cydymffurfio â'r lefel Brix ofynnol a bennir yn Atodlen 6, o'i darllen ynghyd â'r Nodiadau i'r Atodlen honno."

(3) Yn rheoliad 5—

(a) yn lle paragraff (ch) rhodder—

"(ch) yn achos—

- (i) cymysgedd o sudd ffrwythau a sudd ffrwythau o ddwysfwyd sydd wedi ei farcio neu wedi ei labelu â'r un disgrifiad neilltuedig "fruit juice" (neu ddisgrifiad arall o'r fath y mae'n ofynnol ei gael yn lle'r disgrifiad "fruit juice" yn unol â'r amodau sy'n rhagflaenu Colofn 1 (disgrifiadau neilltuedig) yn Atodlen 1), neu
- (ii) neithdar ffrwythau a gafwyd yn rhannol o un neu fwy o gynhyrchion dwysedig,

bod ei labelu yn dwyn y geiriau "partially from concentrate" neu, yn ôl y digwydd, "partially from concentrates", bod y geiriau hynny'n ymddangos yn agos at y disgrifiad neilltuedig, mewn llythrennau y gellir eu gweld yn eglur ac y gellir eu

matters of food safety(1), there has been open and transparent public consultation during the preparation and evaluation of these Regulations.

Title, commencement and application

1.—(1) The title of these Regulations is the Fruit Juices and Fruit Nectars (Wales) (Amendment) Regulations 2011, and they come into force on 31 March 2011.

(2) These Regulations apply in relation to Wales.

Amendment of the Fruit Juices and Fruit Nectars (Wales) Regulations 2003

2.—(1) The Fruit Juices and Fruit Nectars (Wales) Regulations 2003(2) are amended as follows.

(2) In paragraph (2) of regulation 2—

- (a) at the end of sub-paragraph (d) omit the word "and";
- (b) at the end of sub-paragraph (e) substitute "; and" for the full stop; and
- (c) after sub-paragraph (e) insert—

"(f) being a food bearing the reserved description "fruit juice from concentrate", it complies with the minimum Brix level specified in Schedule 6, read together with the Notes to that Schedule."

(3) In regulation 5—

(a) for paragraph (d) substitute—

"(d) in the case of—

- (i) a mixture of fruit juice and fruit juice from concentrate and which is marked or labelled with the single reserved description "fruit juice" (or such other description as, in accordance with the conditions which preface Column 1 (reserved descriptions) of Schedule 1, is required in place of the description "fruit juice"), or
- (ii) a fruit nectar obtained partly from one or more concentrated products,

its labelling bears the words "partially from concentrate" or, as the case may be, "partially from concentrates", such words to appear close to the reserved description, in letters that are clearly visible and easily

(1) OJ Rhif L31, 1.2.2002, t.1. Diwygiwyd y Rheoliad hwnnw ddiwethaf gan Reoliad (EC) Rhif 596/2009 (OJ Rhif L188, 18.7.2009, t.14).

(2) O.S. 2003/3041 (Cy.286); fel y'i diwygiwyd gan O.S. 2005/3254 (Cy.247), 2009/3377 (Cy.299) a 2009/3378 (Cy.300).

(1) OJ No. L31, 1.2.2002, p.1. That Regulation was last amended by Regulation (EC) No. 596/2009 (OJ No. L188, 18.7.2009, p.14).

(2) S.I. 2003/3041 (W.286); as amended by S.I. 2005/3254 (W.247), 2009/3377 (W.299) and 2009/3378 (W.300).

gwahaniaethu'n hawdd oddi wrth eu cefndir;" a

(b) yn lle paragraff (d) rhodder—

"(d) yn achos neithdar ffrwythau a gafwyd yn gyfan gwbl o un neu fwy o gynhyrchion dwysedig, y mae ei labelu yn dwyn y geiriau "from concentrate" neu, yn ôl y digwydd, "from concentrates", a bod y geiriau hynny'n ymddangos yn agos at y disgrifiad neilltuedig, mewn llythrennau y gellir eu gweld yn eglur ac y gellir eu gwahaniaethu'n hawdd oddi wrth eu cefndir;"

(4) Yn Atodlen 1—

(a) yng ngholofn 2 o eitem 3 (Fruit juice from concentrate), mewnosoder ar y diwedd—

"Mae'r lefelau Brix gofynnol ar gyfer suddoedd ffrwythau o ddwysfwyd wedi eu nodi yn Atodlen 6." a

(b) yng ngholofn 2 o eitem 5 (Fruit nectar), yn lle "Atodlen 4" rhodder "Atodlen 5" yn y naill le a'r llall.

(5) Ar ôl Atodlen 5, mewnosoder Atodlen 6 fel y mae wedi ei osod yn yr Atodlen i'r Rheoliadau hyn.

distinguished from the background against which they appear;" and

(b) for paragraph (e) substitute—

"(e) in the case of a fruit nectar obtained wholly from one or more concentrated products, its labelling bears the words "from concentrate" or, as the case may be, "from concentrates", such words to appear close to the reserved description, in letters that are clearly visible and easily distinguished from the background against which they appear;"

(4) In Schedule 1—

(a) in column 2 of item 3 (Fruit juice from concentrate), at the end insert—

"The minimum Brix levels for fruit juices from concentrate are indicated in Schedule 6."; and

(b) in column 2 of item 5 (Fruit nectar), for "Schedule 4" substitute "Schedule 5" in both places.

(5) After Schedule 5, insert Schedule 6, as set out in the Schedule to these Regulations.

Gwenda Thomas

Y Dirprwy Weinidog dros Wasanaethau Cymdeithasol, o dan awdurdod y Gweinidog dros Iechyd a Gwasanaethau Cymdeithasol, un o Weinidogion Cymru

The Deputy Minister for Social Services, under the authority of the Minister for Health and Social Services, one of the Welsh Ministers

8 Mawrth 2011

8 March 2011

YR ATODLEN

Rheoliad 2(5)

"ATODLEN 6

Rheoliad 2 ac Atodlen 1

Y LEFELAU BRIX GOFYNNOL AR GYFER SUDDOEDD FFRWYTHAU O DDWYSFWYD

| <i>Colofn 1</i> | <i>Colofn 2</i> | <i>Colofn 3</i> |
|--------------------------------|--|---|
| <i>Enw Cyffredin y Ffrwyth</i> | <i>Yr Enw Botanegol</i> | <i>Y lefel gradd Brix ofynnol ar gyfer suddoedd ffrwythau o ddwysfwyd (h.y. ar gyfer sudd ffrwythau ailansoddedig a phiwri ffrwythau ailansoddedig)</i> |
| Afal (*) | <i>Malus domestica</i> Borkh. | 11.2 |
| Bricyll (**) | <i>Prunus armeniaca</i> L. | 11.2 |
| Banana (**) | <i>Musa</i> sp. | 21.0 |
| Cyrains duon (*) | <i>Ribes nigrum</i> L. | 11.6 |
| Grawnwin (*) | <i>Vitis vinifera</i> L. neu hybridiau ohono <i>Vitis labrusca</i> L. neu hybridiau ohono | 15.9 |
| Grawnffrwyth (*) | <i>Citrus x paradise</i> Macfad. | 10.0 |
| Gwafa (**) | <i>Psidium guajava</i> L. | 9.5 |
| Lemon (*) | <i>Citrus limon</i> (L.) Burm.f. | 8.0 |
| Mandarin (*) | <i>Citrus reticulata</i> Blanco | 11.2 |
| Mango (**) | <i>Mangifera indica</i> L. | 15.0 |
| Oren (*) | <i>Citrus sinensis</i> (L.) Osbeck | 11.2 |
| Ffrwyth y Dioddefaint (*) | <i>Passiflora edulis</i> Sims | 13.5 |
| Eirin gwlanog (**) | <i>Prunus persica</i> (L.) Batsch var. <i>Persica</i> | 10.0 |
| Gellyg (**) | <i>Pyrus communis</i> L. | 11.9 |
| Pinafal (*) | <i>Ananas comosus</i> (L.) Merr. | 12.8 |
| Mafon (*) | <i>Rubus idaeus</i> L. | 7.0 |
| Ceirios Sur (*) | <i>Prunus cerasus</i> L. | 13.5 |
| Mefus (*) | <i>Fragaria x ananassa</i> Duch. | 7.0 |

Nodiadau:

1. Os yw sudd o ddwysfwyd wedi ei weithgynhyrchu o ffrwyth nad yw wedi ei grybwyll yn y rhestr uchod,

lefel Brix y sudd fel y'i hechdynnwyd o'r ffrwyth a ddefnyddiwyd i wneud y dwysfwyd fydd lefel Brix ofynnol y sudd ailansoddedig.

2. Yn achos y cynhyrchion hynny sydd wedi eu marcio â seren (*), ac sydd wedi eu cynhyrchu fel sudd, penderfynir dwysedd cymharol ofynnol fel y cyfryw mewn perthynas â dŵr sy'n 20/20°C.
3. Yn achos y cynhyrchion hynny sydd wedi eu marcio â dwy seren (**), ac sydd wedi eu cynhyrchu fel piwrî, dim ond darlleniad Brix gofynnol nas cywirwyd (heb ei gywiro ar gyfer asidedd) a benderfynir.
4. Mewn cysylltiad â chyrains duon, gwafa, mango a ffrwyth y dioddefaint, dim ond i sudd ffrwythau ailansoddedig a phiwrî ffrwythau ailansoddedig sydd wedi eu cynhyrchu yn yr UE y mae'r lefelau gradd Brix gofynnol yn gymwys."

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SCHEDULE

Regulation 2(5)

"SCHEDULE 6

Regulation 2 and Schedule 1

MINIMUM BRIX LEVELS FOR FRUIT JUICES FROM CONCENTRATE

| <i>Column 1</i> | <i>Column 2</i> | <i>Column 3</i> |
|----------------------------|--|---|
| <i>Fruit's Common Name</i> | <i>Botanical Name</i> | <i>Minimum degree Brix level for fruit juices from concentrate (i.e. for reconstituted fruit juice and reconstituted fruit purée)</i> |
| Apple (*) | <i>Malus domestica</i> Borkh. | 11.2 |
| Apricot (**) | <i>Prunus armeniaca</i> L. | 11.2 |
| Banana (**) | <i>Musa sp.</i> | 21.0 |
| Blackcurrant (*) | <i>Ribes nigrum</i> L. | 11.6 |
| Grape (*) | <i>Vitis vinifera</i> L. or hybrids thereof <i>Vitis labrusca</i> L. or hybrids thereof | 15.9 |
| Grapefruit (*) | <i>Citrus x paradise</i> Macfad. | 10.0 |
| Guava (**) | <i>Psidium guajava</i> L. | 9.5 |
| Lemon (*) | <i>Citrus limon</i> (L.) Burm.f. | 8.0 |
| Mandarin (*) | <i>Citrus reticulata</i> Blanco | 11.2 |
| Mango (**) | <i>Mangifera indica</i> L. | 15.0 |
| Orange (*) | <i>Citrus sinensis</i> (L.) Osbeck | 11.2 |
| Passion Fruit (*) | <i>Passiflora edulis</i> Sims | 13.5 |
| 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 |

Notes:

1. If a juice from concentrate is manufactured from a fruit not mentioned in the above list, the minimum Brix level of the reconstituted juice shall be the Brix level of the juice as extracted from the fruit used to make

the concentrate.

2. 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.
3. 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.
4. In respect of blackcurrant, guava, mango and passion fruit, the minimum degree Brix levels only apply to reconstituted fruit juice and reconstituted fruit purée produced in the EU."

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