

WELSH STATUTORY INSTRUMENTS

2018 No. 274

The Jam and Similar Products (Wales) Regulations 2018

Title, application and commencement **E+W**

- 1.—(1) The title of these Regulations is the Jam and Similar Products (Wales) Regulations 2018.
- (2) These Regulations apply in relation to Wales.
- (3) These Regulations come into force on 26 March 2018.

Commencement Information

- II** Reg. 1 in force at 26.3.2018, see [reg. 1\(3\)](#)

Interpretation **E+W**

- 2.—(1) In these Regulations—

“the Act” (“*y Ddeddf*”) means the Food Safety Act 1990;

“aqueous extract of fruit” (“*echdynnyn dyfrllyd ffrwythau*”) means the aqueous extract of fruit which, subject to the losses necessarily occurring in proper manufacturing, contains all the water-soluble constituents of the fruit used;

“authorised additional ingredient” (“*cynhwysyn ychwanegol a awdurdodwyd*”) means an ingredient specified in Schedule 2;

“authorised treatment” (“*triniaeth a awdurdodwyd*”) means a treatment specified in Schedule 3;

“[Directive 2001/111/EC](#)” (“*Cyfarwyddeb 2001/111/EC*”) means Council [Directive 2001/111/EC](#)(1) relating to certain sugars intended for human consumption;

“[Directive 2001/113/EC](#)” (“*Cyfarwyddeb 2001/113/EC*”) means Council [Directive 2001/113/EC](#)(2) relating to fruit jams, jellies and marmalades and sweetened chestnut purée intended for human consumption;

“fruit” (“*ffrwyth*”) means fresh, sound fruit, free from deterioration, containing all of its essential constituents and sufficiently ripe for use, after cleaning, removal of blemishes, topping and tailing, and includes ginger, tomatoes, the edible parts of rhubarb stalks, carrots, sweet potatoes, cucumbers, pumpkins, melons and watermelons;

“fruit pulp” (“*mwydion ffrwythau*”) means the edible part of the whole fruit, with or without (as appropriate) the peel, skin, seeds, pips or the like, which may have been sliced or crushed but which has not been reduced to a purée;

(1) OJ No L 10, 12.1.2002, p. 53, last amended by Regulation (EU) No 1021/2013 of the European Parliament and of the Council (OJ No L 287, 29.10.2013, p. 1).

(2) OJ No L 10, 12.1.2002, p. 67, last amended by Regulation (EU) No 1021/2013 of the European Parliament and of the Council (OJ No L 287, 29.10.2013, p. 1).

“fruit purée” (“*piwri ffrwythau*”) means the edible part of the whole fruit, with or without (as appropriate) the peel, skin, seeds, pips or the like, which has been reduced to a purée by being sieved or by being subjected to a similar process;

“ginger” (“*sinsir*”) means the edible root of the ginger plant in a fresh or preserved state, including dried ginger root and ginger root preserved in syrup;

“honey” (“*mêl*”) means the natural sweet substance produced by *Apis mellifera* bees from the nectar of plants or from secretions of living parts of plants or excretions of plant-sucking insects on the living parts of plants which the bees collect, transform by combining with specific substances of their own, deposit, dehydrate, store and leave in honeycombs to ripen and mature;

“ingredient” (“*cynhwysyn*”) has the meaning given in Article 2(2)(f) of Regulation (EU) No 1169/2011⁽³⁾;

“in trade” (“*mewn masnach*”) has the same meaning as in Directive 2001/113/EC and the expressions “trade in”, “trades in” and “traded” (“*masnachu mewn*”, “*a fasnachir*”) are to be construed accordingly;

“labelling” (“*labeli*”) has the meaning given in Article 2(2)(j) of Regulation (EU) No 1169/2011 and the expression “labelled” (“*wedi ei labelu*”) is to be construed accordingly;

“regulated product” (“*cynnyrch a reoleiddir*”) means a product that is listed in any of the entries in the table in Part 1 of Schedule 1 and complies with the requirements for that product set out in the Part of that Schedule specified in the corresponding entry in column 3 of the table;

“Regulation (EC) No 1924/2006” (“*Rheoliad (EC) Rhif 1924/2006*”) means Regulation (EC) No 1924/2006⁽⁴⁾ of the European Parliament and of the Council on nutrition and health claims made on foods;

“Regulation (EC) No 1333/2008” (“*Rheoliad (EC) Rhif 1333/2008*”) means Regulation (EC) No 1333/2008⁽⁵⁾ of the European Parliament and of the Council on food additives;

“Regulation (EU) No 1169/2011” (“*Rheoliad (EU) Rhif 1169/2011*”) means Regulation (EU) No 1169/2011 of the European Parliament and of the Council on the provision of food information to consumers, amending Regulations (EC) No 1924/2006 and (EC) No 1925/2006 of the European Parliament and of the Council, and repealing Commission Directive 87/250/EEC, Council Directive 90/496/EEC, Commission Directive 1999/10/EC, Directive 2000/13/EC of the European Parliament and of the Council, Commission Directives 2002/67/EC and 2008/5/EC and Commission Regulation (EC) No 608/2004;

“sugar” (“*siwgr*”) means any of the following—

- (a) any sugar defined in Part A of the Annex to Directive 2001/111/EC;
- (b) fructose syrup;
- (c) sugar extracted from fruit;
- (d) brown sugar.

(2) Any other expression used in these Regulations and Directive 2001/113/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 4 is a reference to that instrument as amended from time to time.

(4) Part 13 of Schedule 1 has effect in relation to the interpretation of Schedule 1.

(3) OJ No L 304, 22.11.2011, p. 18, last amended by Commission Delegated Regulation (EU) No 78/2014 (OJ No L 27, 30.1.2014, p. 7).

(4) OJ No L 404, 30.12.2006, p. 9, last amended by Regulation (EU) No 1047/2012 (OJ No L 310, 9.11.2012, p. 36).

(5) OJ No L 354, 31.12.2008, p. 16, last amended by Commission Regulation (EU) 2017/874 (OJ No L 134, 23.5.2017, p. 18).

Commencement Information

I2 Reg. 2 in force at 26.3.2018, see [reg. 1\(3\)](#)

Scope **E+W**

3.—(1) These Regulations apply to products intended for human consumption, except for any product intended for the manufacture of fine bakery wares, pastries or biscuits.

^{F1}(2)

(3) In paragraph (1) “fine bakery wares, pastries or biscuits” has the same meaning as in Article 1 of [Directive 2001/113/EC](#).

Textual Amendments

F1 [Reg. 3\(2\)](#) omitted (3.3.2022) by virtue of [The Food \(Withdrawal of Recognition\) \(Miscellaneous Amendments and Transitional Provisions\) \(Wales\) \(EU Exit\) Regulations 2022 \(S.I. 2022/112\)](#), regs. 1(2), **8** (with [reg. 9](#))

Commencement Information

I3 Reg. 3 in force at 26.3.2018, see [reg. 1\(3\)](#)

Use of a product name **E+W**

4.—(1) A person who trades in a product that complies with the requirements of a Part of Schedule 1 specified in column 3 of the table in Part 1 of Schedule 1 must use the name of the product listed in the corresponding entry in column 1 of that table, in trade, as the name of the product.

(2) A person must not use a product name listed in column 1 or 2 of the table in Part 1 of Schedule 1, or the equivalent name in any other language, in trade, as the name of a product unless the product complies with the requirements for that product specified in the Part of that Schedule listed in the corresponding entry in column 3 of the table.

(3) Paragraph (2) does not prevent a product name being used, in trade, as part of the name of another product if—

- (a) the use of the product name in that way is in accordance with practices used to designate the other product; and
- (b) the other product cannot be confused with a regulated product.

(4) In addition to the name of the product that must be used by virtue of paragraph (1), a person may use the Welsh name of the product as listed in the entry in column 2 of the table in Part 1 of Schedule 1 which corresponds to the English name of the product in column 1 of the same table.

(5) Nothing in paragraphs (1) or (4) prevents the product name from being in any other language in addition to Welsh and English.

Commencement Information

I4 Reg. 4 in force at 26.3.2018, see [reg. 1\(3\)](#)

Indication of kinds of fruits used **E+W**

5.—(1) A person must not trade in a regulated product that is listed in Part 1 of the table in Part 1 of Schedule 1 unless the product name is supplemented with an indication of the kinds of fruits used to manufacture the product in accordance, as applicable, with paragraph (2), (3) or (4).

(2) Where a regulated product that is listed in Part 1 of the table in Part 1 of Schedule 1 is manufactured using a single kind of fruit, the product name must be supplemented with an indication of the kind of fruit used to manufacture the product.

(3) Where a regulated product that is listed in Part 1 of the table in Part 1 of Schedule 1 is manufactured from two kinds of fruit, the product name must be supplemented with an indication of those kinds of fruit in descending order of the weight of the raw materials of the fruit used to manufacture the product.

(4) Where a regulated product that is listed in Part 1 of the table in Part 1 of Schedule 1 is manufactured from three or more kinds of fruit, the product name must be supplemented—

- (a) with an indication of the kinds of fruit used in descending order of the weight of the raw materials of fruit used to manufacture the product;
- (b) with the words “mixed fruit” or similar wording; or
- (c) with the number of kinds of fruit used.

(5) In addition to the wording required by virtue of paragraph (4)(b), the product name may be supplemented with the words “ffrwythau cymysg” or similar Welsh wording.

(6) Nothing in paragraphs (4)(b) or (5) prevents the product name from being supplemented with the required words in any other language in addition to Welsh and English.

Commencement Information

I5 Reg. 5 in force at 26.3.2018, see [reg. 1\(3\)](#)

Fruit content indication **E+W**

6.—(1) A person must not trade in a regulated product that is listed in Part 1 of the table in Part 1 of Schedule 1 unless the labelling of the product indicates the fruit content of the product in accordance with paragraphs (2) to (4).

(2) The fruit content must be indicated by including the words “prepared with x g of fruit per 100 g” with the quantity in grams of fruit from which the fruit pulp, fruit purée, fruit juice, fruit peel and aqueous extract of fruit used for every hundred grams of the finished product are derived being inserted in place of “x”.

(3) If aqueous extracts are used, the fruit content of the finished product as indicated on the labelling of the product must be calculated after deducting the weight of any water used to prepare the aqueous extracts.

(4) The fruit content indication must appear in the same visual field as the product name and be in clearly visible characters.

(5) In addition to the wording required by virtue of paragraph (2), the words “paratowyd â x g o ffrwythau am bob 100g” may be included, with the quantity in grams of fruit from which the fruit pulp, fruit purée, fruit juice, fruit peel and aqueous extract of fruit used for every hundred grams of the finished product are derived being inserted in place of “x”.

(6) Nothing in paragraphs (2) or (5) prevents the wording required by virtue of paragraph (2) from being included in any other language in addition to Welsh and English.

Commencement Information

I6 Reg. 6 in force at 26.3.2018, see [reg. 1\(3\)](#)

Total sugar content indication **E+W**

7.—(1) A person must not trade in a regulated product that is listed in Part 1 of the table in Part 1 of Schedule 1 unless the labelling of the product indicates the total sugar content of the finished product in accordance with paragraphs (2) to (5).

(2) The total sugar content must be indicated by including the words “total sugar content: x g per 100 g”, with the content in grams of soluble solids in each hundred grams of the finished product inserted in place of “x”.

(3) The total sugar content of the finished product as indicated on the labelling must be determined by a refractometer at 20°C.

(4) The total sugar content of the finished product as indicated on the labelling must be accurate to ± 3 refractometric degrees.

(5) The total sugar content indication must appear in the same visual field as the product name and be in clearly visible characters.

(6) Paragraph (1) does not apply where a claim as regards the sugar content of a regulated product that is listed in Part 1 of the table in Part 1 of Schedule 1 is made and the product is marked or labelled, as regards its sugar content, with the prescribed nutrition labelling set out in Articles 30 to 35 of Regulation (EU) No 1169/2011.

(7) In addition to the wording required by virtue of paragraph (2), the words “cyfanswm y cynnwys siwgr: x g ym mhob 100 g” may be included, with the content in grams of soluble solids in each hundred grams of the finished product inserted in place of “x”.

(8) Nothing in paragraphs (2) or (7) prevents the wording required by virtue of paragraph (2) from being included in any other language in addition to Welsh and English.

Commencement Information

I7 Reg. 7 in force at 26.3.2018, see [reg. 1\(3\)](#)

Residual sulphur dioxide **E+W**

8. A person must not trade in a regulated product that is listed in Part 1 of the table in Part 1 of Schedule 1 that has a residual sulphur dioxide content of more than 10 milligrams per kilogram unless, in addition to any particular required to be identified in a list of ingredients by Regulation (EU) No 1169/2011, the presence of that residual sulphur dioxide is indicated in the list of ingredients of the product according to the percentage by weight of the residual sulphur dioxide in the product.

Commencement Information

I8 Reg. 8 in force at 26.3.2018, see [reg. 1\(3\)](#)

Enforcement **E+W**

9. It is the duty of a food authority within its area to enforce these Regulations.

Changes to legislation: There are currently no known outstanding effects for the The Jam and Similar Products (Wales) Regulations 2018. (See end of Document for details)

Commencement Information

I9 Reg. 9 in force at 26.3.2018, see [reg. 1\(3\)](#)

Application and modifications of provisions of the Act **E+W**

10. The provisions of the Act specified in column 1 of the table in Schedule 5 apply, with the modifications specified in column 2 of that table, for the purposes of these Regulations.

Commencement Information

I10 Reg. 10 in force at 26.3.2018, see [reg. 1\(3\)](#)

Revocations **E+W**

11.—(1) The Jam and Similar Products (Wales) Regulations 2004⁽⁶⁾ are revoked.

(2) The entry relating to the Jam and Similar Products (Wales) Regulations 2004 in the table in Part 4 of the Schedule to the Treaty of Lisbon (Changes in Terminology or Numbering) Order 2012⁽⁷⁾ is revoked.

Commencement Information

I11 Reg. 11 in force at 26.3.2018, see [reg. 1\(3\)](#)

Vaughan Gething
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Services, one of the Welsh Ministers

⁽⁶⁾ S.I. 2004/553 (W. 56), as amended by S.I. 2005/3254 (W. 247), S.I. 2009/3378 (W. 300), S.I. 2012/1809.

⁽⁷⁾ S.I. 2012/1809, to which there are amendments not relevant to these Regulations.

Changes to legislation:

There are currently no known outstanding effects for the The Jam and Similar Products (Wales) Regulations 2018.