

**2013 No. 305**

**FOOD**

**The Fruit Juices and Fruit Nectars (Scotland) Regulations 2013**

*Made* - - - - *29th October 2013*

*Laid before the Scottish Parliament* *31st October 2013*

*Coming into force* - - *20th November 2013*

The Scottish Ministers make the following Regulations in exercise of the powers conferred by sections 6(4), 16(1)(a) and (e), 17(1), 26(1)(a) and (3) and 48(1) of the Food Safety Act 1990(a), sections 56A, 56B and 56D of the Education (Scotland) Act 1980(b), paragraph 1A of Schedule 2 to the European Communities Act 1972(c) and all other powers enabling them to do so.

These Regulations make provision for a purpose mentioned in section 2(2) of the European Communities Act 1972(d) and it appears to the Scottish Ministers that it is expedient for any reference in these Regulations to a European Union instrument listed in Schedule 1 to be construed as a reference to that instrument as amended from time to time.

Insofar as these Regulations are made in exercise of powers under the Food Safety Act 1990, the Scottish Ministers have had regard to relevant advice given by the Food Standards Agency in accordance with section 48(4A) of that Act(e).

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- (a) 1990 c.16. Section 1(1) and (2) (definition of “food”) was substituted by S.I. 2004/2990. Section 6(4) was amended by section 31 of, and paragraph 6 of Schedule 9 to, the Deregulation and Contracting Out Act 1994 (c.40), section 40(1) of, and paragraphs 7, 10(1) and (3) of Schedule 5 to, the Food Standards Act 1999 (c.28) (“the 1999 Act”), section 40(4) of, and Schedule 6 to, the 1999 Act and Schedule 2 to, the Ministry of Agriculture, Fisheries and Food (Dissolution) Order 2002 (S.I. 2002/794). Section 16(1) was amended by section 40(1) of, and paragraphs 7 and 8 of Schedule 5 to, the 1999 Act. Section 17(1) was amended by section 40(1) of, and paragraphs 7, 8 and 12(a) of Schedule 5 to, the 1999 Act and article 6(1)(e) of S.I. 2011/1043. Section 26(3) was amended by, and partially repealed by, section 40(4) of, and Schedule 6 to, the 1999 Act. Section 48(1) was amended by section 40(1) of, and paragraphs 7 and 8 of Schedule 5 to, the 1999 Act. By virtue of section 40(2) of the 1999 Act, amendments made by Schedule 5 to the 1999 Act which extend to Scotland are to be taken as pre-commencement enactments for the purposes of the Scotland Act 1998 (c.46) (“the 1998 Act”). The functions of the Secretary of State, so far as within devolved competence, were transferred to the Scottish Ministers by virtue of section 53 of the 1998 Act. In so far as not transferred, those functions were transferred to the Scottish Ministers by the Scotland Act 1998 (Transfer of Functions to the Scottish Ministers etc.) Order 2005 (S.I. 2005/849) (“the 2005 Order”).
- (b) 1980 c.44. Sections 56A, 56B and 56D were inserted by section 3 of the Schools (Health Promotion and Nutrition) (Scotland) Act 2007 (asp 15).
- (c) 1972 c.68. Paragraph 1A of Schedule 2 was inserted by section 28 of the Legislative and Regulatory Reform Act 2006 (c.51) (“the 2006 Act”) and amended by Part 1 of Schedule 1 to the European Union (Amendment) Act 2008 (c.7) (“the 2008 Act”). The functions conferred on the Minister of the Crown under section 2(2), in so far as exercisable within devolved competence, were transferred to the Scottish Ministers by virtue of section 53 of the 1998 Act. In so far as not transferred, and in so far as relating to food (including drink) including the primary production of food, relevant functions were transferred to the Scottish Ministers by the 2005 Order.
- (d) Section 2(2) was amended by paragraph 15(3) of Schedule 8 to the 1998 Act, section 27(1) of the 2006 Act and Part 1 of the Schedule to the 2008 Act. The functions conferred on the Minister of the Crown under section 2(2), in so far as exercisable within devolved competence, were transferred to the Scottish Ministers by virtue of section 53 of the 1998 Act. In so far as not transferred, and in so far as relating to food (including drink) including the primary production of food, relevant functions were transferred to the Scottish Ministers by the 2005 Order.
- (e) Section 48(4A) was inserted by section 40(1) of, and paragraphs 7 and 21 of Schedule 5 to, the 1999 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(a).

### **Citation, extent, commencement and expiry**

1.—(1) These Regulations may be cited as the Fruit Juices and Fruit Nectars (Scotland) Regulations 2013 and they extend to Scotland only.

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

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

### **Definition 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—

“fruit juice from concentrate” means a product that complies with the specification in Schedule 3;

“concentrated fruit juice” means a product that complies with the specification in Schedule 4;

“water extracted fruit juice” means a product that complies with the specification in Schedule 5; and

“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(b);

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

(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;

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(a) OJ L 31, 1.2.2002, p.1, last amended by Commission Regulation (EC) No 596/2009 (OJ L 188, 18.7.2009, p.14).

(b) OJ L 10, 12.1.2002, p.58, last amended by Directive 2012/12/EU of the European Parliament and of the Council (OJ L 115, 27.4.2012, p.1).

- (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;
- (c) sugars derived from fruits.

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

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(a) OJ L 10, 12.1.2002 p.47, as read with the corrigendum published in OJ L 52, 21.2.2007, p.16.

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

(c) OJ L 354, 31.12.2008, p.16, last amended by Commission Regulation (EU) No 913/2013 (OJ L 252, 24.9.13, p.11).

(d) OJ L 10, 12.1.2002, p.53, to which there are corrigenda not relevant to the English version of the Directive.

#### **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) 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 the name “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 the name “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 the name “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 names 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 the name “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 specification 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) Paragraph (1) does not prevent a name listed in column 2 of Schedule 12 being used for 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), “[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 paragraphs (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 specified 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 as 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” with the appropriate figure substituting “[x]”.

(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 No 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 to the consumer, is made and sugars are naturally present in the fruit nectar, the indication “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<sup>(a)</sup> (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);

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(a) S.I. 1996/1499, as amended by S.I. 1999/747, S.S.I. 2000/83, S.S.I. 2000/309 and to which there are other amendments not relevant to these Regulations.

- (b) regulation 11(1);
- (c) regulation 12(1);
- (d) regulation 13; and
- (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.

### **Offences and penalties**

**17.—**(1) A person who contravenes or fails to comply with a provision listed in paragraph (2) commits an offence.

(2) The provisions are—

- (a) regulation 4(1), as read with regulation 4(2);
- (b) regulation 4(3);
- (c) regulation 5(1);
- (d) regulation 5(2);
- (e) regulation 6(1);
- (f) regulation 6(2);
- (g) regulation 7(1);
- (h) regulation 7(2);
- (i) regulation 8(1);
- (j) regulation 8(2);
- (k) regulation 9(1), as read with regulation 9(2);
- (l) regulation 9(3);
- (m) regulation 10(1);
- (n) regulation 11(1);
- (o) regulation 12;
- (p) regulation 13;
- (q) regulation 14(1); and
- (r) regulation 15.

(3) A person who commits an offence under this regulation is liable on summary conviction to a fine not exceeding level 5 on the standard scale.

### **Application and modification of other provisions of the Act**

**18.** 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

19. The following are revoked—

- (a) the Fruit Juices and Fruit Nectars (Scotland) Regulations 2003(a);
- (b) regulation 9 of the Food Enzymes (Scotland) Regulations 2009(b); and
- (c) the Fruit Juices and Fruit Nectars (Scotland) Amendment Regulations 2011(c).

## Consequential amendments

20. Schedule 15 has effect.

## Transitional provisions

21.—(1) Before 28th April 2015, it is a defence for a person to prove, in relation to any proceedings against them for an offence under regulation 17, that—

- (a) the proceedings 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 (Scotland) 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”(d).

*MICHAEL MATHESON*

Authorised to sign by the Scottish Ministers

St Andrew's House,  
Edinburgh  
29th October 2013

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(a) S.S.I. 2003/293 as last amended by S.S.I. 2011/153.

(b) S.S.I. 2009/435.

(c) S.S.I. 2011/153.

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



## 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**(a)**;
- (b) Council Directive 2001/110/EC relating to honey;
- (c) Council Directive 2001/111/EC relating to certain sugars intended for human consumption;
- (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**(b)**;
- (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**(c)**;
- (h) Regulation 1333/2008.

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

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

## 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 4 and 7 in column 1 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.

## SCHEDULE 3

Regulation 2(2)

### 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 on the quality of water intended for human consumption.

**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, organoleptic 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)

### 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.** Apart from 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)

### 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 must 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

Regulation 2(2)

### 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; and
  - (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 of this Schedule.
- 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>
<b>1. Fruit nectars made from fruits with acidic juice unpalatable in the natural state</b>	
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
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
<b>2. Low-acid, pulpy or highly flavoured fruits with juice unpalatable in the natural state</b>	
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
<b>3. Fruits with juice palatable in the natural state</b>	
Apples	50
Citrus fruit except lemons and limes	50
Peaches	50



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<i>Fruit nectars made from</i>	<i>Minimum juice, purée or juice and purée content (% by volume of finished product)</i>
Pears	50
Pineapples	50
Tomatoes	50
Other fruits belonging to this category	50

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## SCHEDULE 8

Regulation 3(1)

### Authorised additional ingredients

**1.** Any vitamin or mineral authorised in accordance with 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 food.

**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; and
- (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</i> <i>Entry</i>	<i>Column 2</i> <i>Designation</i>	<i>Column 3</i> <i>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— <ul style="list-style-type: none"> <li>(a) apples;</li> <li>(b) pears; or</li> <li>(c) pears with the addition of apples where appropriate.</li> </ul>
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 this 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”	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
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 18

### Application and modification 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 (Scotland) Regulations 2013”.
Section 20 (offences due to fault of another person)	For “any of the preceding provisions of this Part” substitute “regulation 17 of the Fruit Juices and Fruit Nectars (Scotland) Regulations 2013,”.
Section 21 (defence of due diligence)	In subsection (1), for “any of the preceding provisions of this Part” substitute “regulation 17 of the Fruit Juices and Fruit Nectars (Scotland) Regulations 2013,”. In subsection (2), for “section 14 or 15” substitute “regulation 17 of the Fruit Juices and Fruit Nectars (Scotland) 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 (Scotland) Regulations 2013”.
Section 33(1) (obstruction etc. of officers)	In subsection (1), for “this Act” (in each place occurring) substitute “the Fruit Juices and Fruit Nectars (Scotland) Regulations 2013”.
Section 35(1)(a) (punishment of offences)	In subsection (1), after “section 33(1) above”, insert “, as applied and modified by regulation 18 of, and Schedule 14 to, the Fruit Juices and Fruit Nectars (Scotland) Regulations 2013,”.
Section 36 (offences by bodies corporate)	In subsection (1), for “this Act” substitute “regulation 17 of the Fruit Juices and Fruit Nectars (Scotland) Regulations 2013,”.
Section 36A(b) (offences by Scottish partnerships)	For “this Act” substitute “regulation 17 of the Fruit Juices and Fruit Nectars (Scotland) 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 (Scotland) Regulations 2013”.

(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 paragraphs 7 and 16 of Schedule 5 to the Food Standards Act 1999.



## Consequential amendments

**Amendment of the Food Labelling Regulations 1996**

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

**“Restoration of fruit juices and similar products**

**17A.**—(1) 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.”.

**Amendment of the Nutritional Requirements for Food and Drink in Schools (Scotland) Regulations 2008(b)**

2. In the Nutritional Requirements for Food and Drink in Schools (Scotland) Regulations 2008 in regulation 2(1) for the definition of “fruit juice” substitute—

““fruit juice” means a product defined in regulation 2(1) of, as read with Schedule 2 to, the Fruit Juices and Fruit Nectars (Scotland) Regulations 2013, or a product defined as “fruit juice from concentrate” in regulation 2(2)(a) of, as read with Schedule 3 to, those Regulations.”

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(a) S.I. 1996/1499, to which there are amendments not relevant to these Regulations.

(b) S.S.I. 2008/265.

## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations implement Council Directive 2001/112/EC relating to fruit juices and certain similar products intended for human consumption, as last amended by Directive 2012/12/EU. They revoke and replace the Fruit Juices and Fruit Nectars (Scotland) Regulations 2003 (as amended).

These Regulations provide that a reference in these Regulations to an EU instrument referred to in Schedule 1 is an ambulatory reference to that EU instrument as amended from time to time (regulation 3(3) and Schedule 1).

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).

The Regulations impose an obligation on food authorities to enforce the Regulations (regulation 16) and make it an offence to fail to comply with specified provisions (regulation 17).

The Regulations apply certain provisions of the Food Safety Act 1990 with modifications (regulation 18 and Schedule 14).

The Regulations revoke and replace the Fruit Juices and Fruit Nectars (Scotland) Regulations 2003 (as amended) and revoke other relevant legislation (regulation 19). They make consequential amendments (regulation 20 and Schedule 15) and transitional provisions (regulation 21).

A full business and regulatory impact assessment of the effect these Regulations will have on the costs of business, the voluntary sector and the public sector has been prepared and placed in the Scottish Parliament Information Centre. Copies may be obtained from the Food Standards Agency in Scotland, 6th Floor, St Magnus House, 25 Guild Street, Aberdeen, AB11 6NJ, and online at [www.legislation.gov.uk](http://www.legislation.gov.uk).



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