
 STATUTORY INSTRUMENTS

1981 No. 1320 (S. 131)

FOOD AND DRUGS

COMPOSITION AND LABELLING

The Jam and Similar Products (Scotland) Regulations 1981

<i>Made</i> - - - -	1st September 1981
<i>Laid before Parliament</i>	22nd September 1981
<i>Coming into Operation</i>	
<i>Regulations 1, 2 and 22</i>	13th October 1981
<i>Regulations 3, 4, 6 and</i> <i>11 to 21 - - - -</i>	1st August 1982
<i>Regulations 5 and 7 to 10</i>	1st January 1983

In exercise of the powers conferred on me by sections 4, 7, 26(3) and 56 of the Food and Drugs (Scotland) Act 1956^(a) and of all other powers enabling me in that behalf, and after consultation with such organisations as appear to me to be representative of interests substantially affected by these regulations, I hereby make the following regulations:—

Citation and commencement

1. These regulations may be cited as the Jam and Similar Products (Scotland) Regulations 1981 and shall come into operation—

- (a) as respects this regulation and regulations 2 and 22 on 13th October 1981;
- (b) as respects regulations 3, 4, 6 and 11 to 21 on 1st August 1982; and
- (c) as respects the remainder, that is to say regulations 5 and 7 to 10, on 1st January 1983.

Interpretation

2.—(1) In these regulations, unless the context otherwise requires—

“the Act” means the Food and Drugs (Scotland) Act 1956;

“additive” has the meaning assigned to it by the Food Labelling (Scotland) Regulations 1981^(b);

“aqueous extract of fruit” means an extract of fruit which, subject to the losses necessarily occurring in proper manufacturing, contains all the water-soluble constituents of the fruit used;

“chestnut” means the fruit of the sweet chestnut tree (*Castanea sativa* Mill or *Castanea vesca* Gaertn.);

(a) 1956 c. 30; section 4 was amended by the European Communities Act 1972 (c. 68), section 4, and Schedule 4, paragraph 3; section 26(3) was amended by the Local Government (Scotland) Act 1973 (c. 65), section 214(2) and Schedule 27, Part II, paragraphs 123, 124.

(b) S.I. 1981/137.

“fruit” includes ginger and rhubarb;

“fruit curd” means the food described in column 2 of item 11 in Schedule 1;

“fruit flavour curd” means the food described in column 2 of item 12 in Schedule 1;

“fruit juice” means the food consisting of fermentable but unfermented juice which—

(a) is obtained from fruit by mechanical processes and has the characteristic colour, aroma and flavour of juice of the fruit from which it is obtained, or

(b) is obtained from concentrated fruit juice by the addition of water and has the organoleptic and analytical characteristics of juice obtained from fruit of the same kind by mechanical processes,

and for the purpose of this definition “concentrated fruit juice” means juice which has been obtained from fruit by mechanical or diffusion processes and concentrated by the removal of part of its water, but does not include juice which has been concentrated to the form of powder, granule or solid;

“fruit pulp” means the edible part of the whole fruit, with or without peel, skin, seeds or pips, as appropriate, which, although it may have been sliced or crushed, has not been reduced to a purée;

“fruit purée” means the edible part of the whole fruit, apart from any peel, skin, seeds or pips, which has been reduced to a purée by being sieved or subjected to a similar process;

“ginger” means the edible root of the ginger plant;

“ingredient” has the meaning assigned to it by the Food Labelling (Scotland) Regulations 1981;

“labelling” has the meaning assigned to it by the Food Labelling (Scotland) Regulations 1981;

“permitted artificial sweetener” means any artificial sweetener in so far as its use is permitted by the Artificial Sweeteners in Food (Scotland) Regulations 1969(a);

“permitted colouring matter” means any colouring matter in so far as its use is permitted by the Colouring Matter in Food (Scotland) Regulations 1973(b);

“prepacked”, in relation to a food, has the meaning assigned to it by the Food Labelling (Scotland) Regulations 1981;

“reduced sugar products” means reduced sugar jam, reduced sugar jelly and reduced sugar marmalade;

“sell” includes offer or expose for sale and includes have in possession for sale, and “sale” shall be construed accordingly;

“statutory maximum” in relation to a fine on summary conviction, means the prescribed sum within the meaning of section 289B of the Criminal Procedure (Scotland) Act 1975(c) (which at the making of these regulations was £1,000);

“vine fruits” means muscatels, raisins, sultanas or currants.

(2) In these regulations, unless the context otherwise requires, a name that

(a) S.I. 1969/1848, to which there is an amendment not relevant to these regulations.

(b) S.I. 1973/1310; relevant amending instruments are S.I. 1975/1595, 1976/2232 and 1979/107.

(c) 1975 c. 21, amended by Schedule 11 to the Criminal Law Act 1977 (c. 45).

appears in column 1 of Schedule 1 means the food described in column 2 of that Schedule opposite that name.

(3) In the determination of the weight of any fruit pulp for the purposes of these regulations no account shall be taken of any peel, skin, seeds or pips that are not used in the preparation of the food of which the fruit pulp is an ingredient.

(4) In the determination of the weight of any aqueous extract of fruit for the purposes of these regulations no account shall be taken of the weight of water used in the preparation of the aqueous extract.

(5) For the purposes of these regulations, the supply of food, otherwise than by sale, at, in or from any place where food is supplied in the course of a business shall be deemed to be a sale of that food.

(6) All proportions mentioned in these regulations are proportions calculated by weight.

(7) Any reference in these regulations to a numbered regulation or schedule shall, unless the reference is to a regulation of, or schedule to, specified regulations, be construed as a reference to the regulation or schedule so numbered in these regulations.

(8) Schedules 1 and 2 shall be read with the notes thereto.

Exemptions

3.—(1) These regulations shall not apply to any food which is—

- (a) not intended for sale for human consumption;
- (b) intended at the time of sale for export to any place outside the United Kingdom; or
- (c) supplied under Government contracts for consumption by Her Majesty's forces or supplied for consumption by a visiting force within the meaning of any of the provisions of Part I of the Visiting Forces Act 1952(a).

(2) Regulations 8 and 14 shall not apply to any food which is sold to a manufacturer for the purposes of his manufacturing business.

(3) Regulations 7, 8, 11(4) and (5) and 14 shall not apply to fruit curd, fruit flavour curd or mincemeat and regulation 5(4) shall not apply to fruit flavour curd or mincemeat.

Restrictions on the use of certain names

4.—(1) Subject to paragraphs (2) and (3) of this regulation, a name which appears in column 1 of Schedule 1 shall not be used in the labelling or advertising of any food as the name of the food, whether or not qualified by other words, unless the food is the food described in the corresponding entry in column 2 of that Schedule.

(2) The name "jam" may be used in the labelling or advertising of extra jam as the name of the food and the name "jelly" may be used in the labelling or advertising of extra jelly as the name of the food.

(3) The name "jelly" may be used in the labelling or advertising of a food as the name of the food if the food is a food customarily known as jelly and cannot be confused with any food described in column 2 of Schedule 1.

(4) A name which appears in column 1 of Schedule 1 shall not be used in the labelling or advertising of a food in such a way as to suggest, either expressly or by implication, that the food designated by that name is an ingredient of the food in whose labelling or advertising the name is used unless the food in whose labelling or advertising the name is used has as an ingredient the food described in the appropriate entry in column 2 of Schedule 1, except that—

- (a) the name “jam” or “jelly” may be used in the labelling or advertising of a food in such a way as aforesaid if extra jam or extra jelly, as the case may be, is an ingredient of the food, and
- (b) the name “jelly” may be used in the labelling or advertising of a food in such a way as aforesaid if the food has as an ingredient a food which is customarily known as jelly and which cannot be confused with any food described in column 2 of Schedule 1.

(5) No person shall sell any food in the labelling of which a name is used in contravention of the foregoing paragraphs of this regulation.

(6) No person shall use a name in contravention of the foregoing paragraphs of this regulation in advertising for sale any food.

Name of the food

5.—(1) Subject to the following paragraphs of this regulation, for the purposes of the Food Labelling (Scotland) Regulations 1981, the name used as the name of the food in the labelling of any food described in column 2 of Schedule 1 shall be the name that appears in the corresponding entry in column 1 of that Schedule.

(2) The name used for extra jam may be “jam” and the name used for extra jelly may be “jelly”.

(3) The name used for any marmalade which contains no insoluble matter, or no insoluble matter other than a small quantity of finely sliced peel, may be “jelly marmalade”.

(4) The name of the food shall include or be accompanied by—

- (a) in the case of a food prepared from a single type of fruit, an indication of that type of fruit;
- (b) in the case of a food prepared from two types of fruit, an indication of those types of fruit in descending order of weight; and
- (c) in the case of a food prepared from three or more types of fruit—
 - (i) an indication of those types of fruit in descending order of weight, or
 - (ii) the words “mixed fruit”, or
 - (iii) the word “fruit” preceded by an indication of the number of types of fruit used in the preparation of the food.

(5) The name of the food shall include or be accompanied by an indication of any ingredient used in the preparation of the food which is specified or referred to in column 1 of Part I of Schedule 2.

(6) The weight referred to in paragraph 4 (b) and (c) of this regulation is the weight of fruit pulp, fruit purée, fruit juice, fruit peel and aqueous extract of fruit used in the preparation of the food.

The names “conserve” and “preserve”

6.—(1) No person shall sell any food in the labelling of which the name “conserve” or “preserve” is used unless the food is jam or extra jam.

(2) No person shall use, in advertising any food for sale, the name “conserve” or “preserve” unless the food is jam or extra jam.

List of ingredients

7.—(1) Notwithstanding regulation 14(1) of the Food Labelling (Scotland) Regulations 1981 (which makes provision as to the name used for an ingredient in a list of ingredients), where any food described in column 2 of Schedule 1 is required by those regulations to be marked or labelled with a list of ingredients—

- (a) in the case of any such food which is prepared from three or more types of fruit, the word “fruit” may be used in the list of ingredients in place of the names of the types of fruit used in the preparation of the food;
- (b) in the case of any such food which contains as an ingredient red beetroot juice, that ingredient shall be identified in the list of ingredients as “red beetroot juice to reinforce the colour”; and
- (c) in the case of any jam which contains as ingredients apricots that have been dried otherwise than by being freeze-dried, those ingredients shall be identified in the list of ingredients as “dried apricots”.

(2) No person shall sell any food described in column 2 of Schedule 1 if it is marked or labelled with a list of ingredients that does not accord with paragraph (1)(b) or (c) of this regulation.

Miscellaneous labelling requirements

8.—(1) No person shall sell a food described in column 2 of Schedule 1 unless it is marked or labelled with an indication of the proportion of fruit used in the preparation of the food in the form “prepared with Xg of fruit per 100g”, there being inserted in place of “X” 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.

(2) No person shall sell a food described in column 2 of Schedule 1 unless it is marked or labelled with the words “total sugar content: Yg per 100g”, there being inserted in place of “Y” the content in grams of soluble solids in each hundred grams of the food, determined by refractometer at 20°C, the content shown being accurate to $\pm 3\%$ of the refractometer reading.

(3) No person shall sell prepacked a food described in column 2 of Schedule 1 which has a soluble solids content of less than 63%, other than a reduced sugar product, unless—

- (a) the food is sold in such a quantity as can reasonably be expected to be consumed on a single occasion; or
- (b) the food is marked or labelled with the words “keep in a cool place once opened”.

(4) No person shall sell prepacked a reduced sugar product unless—

- (a) the food is sold in such a quantity as can reasonably be expected to be consumed on a single occasion; or
- (b) the food is marked or labelled with the words “keep in a cool place once opened”; or
- (c) the food contains, in accordance with regulation 14, a preservative specified in column 1 of Part II of Schedule 2 in a quantity sufficient to have a preserving effect on the food.

(5) No person shall sell any marmalade that contains peel unless the marmalade is marked or labelled with an indication of the style of cut of the peel.

(6) No person shall sell any marmalade that does not contain peel unless the marmalade is marked or labelled with an indication that it does not contain peel.

(7) This regulation does not apply to—

(a) food prepared on domestic premises for sale either by a society registered under the Industrial and Provident Societies Act 1965(a) or otherwise than for the profit of the person preparing the food, or

(b) food which by virtue of regulation 27 or 28 of the Food Labelling (Scotland) Regulations 1981 (which relate to food for immediate consumption) need not be marked or labelled with the particulars specified in regulation 5 of those regulations (which sets out the general labelling requirement) or with some of those particulars.

Field of vision

9. No person shall sell a food described in column 2 of Schedule 1 unless the particulars with which it is required to be marked or labelled by regulation 8 appear in the labelling of the food in the same field of vision as—

(a) the name of the food,

(b) the indication of net quantity if the food is required by the Weights and Measures Acts 1963 to 1979(b) or by any order made thereunder to be marked or labelled with such an indication, and

(c) the indication of minimum durability if the food is required by the Food Labelling (Scotland) Regulations 1981 to be marked or labelled with such an indication.

Manner of marking or labelling

10. Regulations 31 to 33 of the Food Labelling (Scotland) Regulations 1981 (which relate to the manner of marking or labelling of food) shall apply to the particulars with which food is required to be marked or labelled by regulation 8 as if those particulars were particulars with which food is required to be marked or labelled by the Food Labelling (Scotland) Regulations 1981.

Fruit

11.—(1) No person shall use in the preparation of a food described in column 2 of Schedule 1 any fruit unless it contains all its essential constituents and is sound, free from deterioration and sufficiently ripe for such use.

(2) No person shall use in the preparation of a food described in column 2 of Schedule 1 any fruit unless it has been cleaned and trimmed and has had its blemishes, if any, removed.

(3) No person shall use in the preparation of a food described in column 2 of Schedule 1 any ginger unless it has been peeled, preserved in syrup and drained.

(4) Subject to regulation 12, no person shall use in the preparation of a food described in column 2 of Schedule 1 any fruit, fruit pulp, fruit purée, fruit juice, fruit peel or aqueous extract of fruit which has been treated otherwise than by being heated, chilled, frozen, freeze-dried or concentrated.

(a) 1965 c. 12.

(b) 1963 c. 31, 1976 c. 77, 1979 c. 45.

(5) Subject to regulation 12, no person shall use in the preparation of a food described in column 2 of Schedule 1 any fruit, fruit pulp, fruit purée, fruit juice, fruit peel or aqueous extract of fruit to which there has been added any additive.

(6) No person shall sell a food described in column 2 of Schedule 1 in the preparation of which any fruit, fruit pulp, fruit purée, fruit juice, fruit peel or aqueous extract of fruit has been used in contravention of any of the foregoing paragraphs of this regulation.

Authorised treatments and additives

12.—(1) Apricots which have been dried otherwise than by being freeze-dried may be used in the preparation of jam.

(2) Chestnuts which have been soaked for a short time in an aqueous solution of sulphur dioxide may be used in the preparation of chestnut purée.

(3) Fruit, fruit pulp, fruit purée, fruit juice, fruit peel and aqueous extract of fruit to which there has been added any source of sulphur dioxide which is specified in Schedule 3 may be used in the preparation of jam, jelly, marmalade, reduced sugar products, UK standard jelly, fruit curd, fruit flavour curd and mincemeat.

Permitted sweetening agents

13.—(1) Subject to paragraphs (2) and (3) of this regulation, no person shall use in the preparation of a food described in column 2 of Schedule 1 any sweetening agent that is not specified in Schedule 4.

(2) Permitted artificial sweeteners may be used in the preparation of reduced sugar products.

(3) Permitted artificial sweeteners and sorbitol may be used in the preparation of a food described in column 2 of Schedule 1 which is specially made to fulfil the particular nutritional requirements of diabetics and whose labelling clearly indicates that it is intended for diabetics.

(4) No person shall sell a food described in column 2 of Schedule 1 in the preparation of which any sweetening agent is used in contravention of the foregoing paragraphs of this regulation.

Permitted additional ingredients

14.—(1) No person shall use in the preparation of a food described in column 2 of Schedule 1 any ingredient other than the ingredients therein specified for that food or an ingredient specified or described in column 1 of Part I, II or III of Schedule 2.

(2) No person shall use in the preparation of a food described in column 2 of Schedule 1 any ingredient specified or described in column 1 of Part I, II or III of Schedule 2 unless the food is specified or described in relation to that ingredient in column 2 of that Part of that Schedule and the ingredient is used in accordance with any conditions of use appearing in the appropriate entry in column 3 of that Part of that Schedule.

(3) No person shall sell a food described in column 2 of Schedule 1 in the preparation of which any ingredient has been used in contravention of paragraph (1) or (2) of this regulation.

Residual sulphur dioxide content

15. No person shall sell—

- (a) any extra jam, extra jelly or chestnut purée which has a residual sulphur dioxide content of more than 10 milligrams per kilogram; or
- (b) any jelly which has a residual sulphur dioxide content of more than 50 milligrams per kilogram; or
- (c) any jam, marmalade, reduced sugar product, UK standard jelly, fruit curd, fruit flavour curd or mincemeat which has a residual sulphur dioxide content of more than 100 milligrams per kilogram.

Penalties

16. If any person contravenes or fails to comply with any of the foregoing provisions of these regulations he shall be guilty of an offence against these regulations and shall be liable—

- (a) on summary conviction to—
a fine not exceeding the statutory maximum or to imprisonment for a term not exceeding six months, or both; or
- (b) on conviction on indictment to—
a fine or to imprisonment for a term not exceeding one year, or both.

Enforcement

17. Each regional and islands council shall enforce and execute the provisions of these regulations within their area, but nothing in these regulations shall entitle a regional council to enforce or execute the provisions of section 9 of the Act.

Defences

18. In any proceedings for an offence against these regulations of having in possession for sale any food which is not marked or labelled in accordance with the provisions of regulations 6, 7, 8 and 9 it shall be a defence for the accused to prove that before offering the food for sale he would have taken all reasonable steps to ensure that the food was marked or labelled in accordance with those provisions.

Application of various sections of the Act

19.—(1) Sections 41(2) and (5) (proceedings), 42(1), (2) and (3) (evidence of certificates of analysis), 44 (power of a court to require analysis by the Government Chemist), 46(2) (conditions under which a warranty may be pleaded as a defence) and 47 (offences in relation to warranties and certificates of analysis) of the Act shall apply for the purposes of these regulations as if references therein to proceedings, or a prosecution, under or taken under the Act included references to proceedings, or a prosecution, as the case may be, taken for an offence against these regulations and in addition as if—

- (a) in the case of section 44(1) of the Act, the reference therein to section 41(5) of the Act included a reference to said section 41(5) as applied by these regulations; and
- (b) in the case of section 47(1) and (2) of the Act, the references therein to an offence against the Act included references to an offence against these regulations.

(2) Section 41(4) of the Act shall apply for the purposes of these regulations as if the reference therein to section 47 of the Act included a reference to said section 47 as applied by these regulations.

Amendment of the Preservatives in Food (Scotland) Regulations 1979

20. The Preservatives in Food (Scotland) Regulations 1979(a) shall be further amended in accordance with the provisions of Schedule 5.

Revocation

21. The Food Standards (Preserves) Order 1953(b) and the Food Standards (Preserves) (Amendment) Order 1953(c) are hereby revoked.

Transitional provisions

22.—(1) In any proceedings for an offence against the Food Standards (Preserves) Order 1953 in respect of an act committed after 12th October 1981 and before 1st August 1982 it shall be a defence for the accused to prove that the matters constituting the offence against the aforesaid order would not have constituted an offence against these regulations if these regulations had been in operation when the act was committed.

(2) Without prejudice to the generality of regulation 45 of the Food Labelling (Scotland) Regulations 1981, in any proceedings for an offence against the Labelling of Food (Scotland) Regulations 1970(d), other than an offence against regulations 21 to 26 of those regulations, in respect of an act committed after 12th October 1981 and before 1st January 1983 in relation to a food described in column 2 of Schedule 1 to these regulations it shall be a defence for the accused to prove that the matters constituting the offence against the aforesaid regulations would not have constituted an offence against the Food Labelling (Scotland) Regulations 1981 if those regulations and these regulations had been in operation when the act was committed.

George Younger,
One of Her Majesty's Principal
Secretaries of State.

New St Andrew's House,
Edinburgh.
1st September 1981.

(a) S.I. 1979/1073, to which there is an amendment not relevant to these regulations.

(b) S.I. 1953/691.

(c) S.I. 1953/1307.

(d) S.I. 1970/1127, to which there are amendments not relevant to these regulations.

Regulations 4(1) and 5(1)

SCHEDULE 1

COMPOSITION

Column 1	Column 2
Name of food	Composition of food
1. Extra jam	<p>A mixture, brought to a suitable gelled consistency, of sweetening agents and fruit pulp, such that—</p> <p>(a) if the pulp of more than one type of fruit is used, it does not include the pulp of apples, pears, clingstone plums, melons, watermelons, grapes, pumpkins, cucumbers or tomatoes;</p> <p>(b) the quantity of fruit pulp used for every kilogram of the finished product is not less than —</p> <p>in the case of passion fruit, 80 grams, in the case of cashew apples, 230 grams, in the case of ginger, 250 grams, in the case of blackcurrants, rosehips or quinces, 350 grams, and in the case of any other fruit, 450 grams; and</p> <p>(c) the soluble solids content of the finished product, determined by refractometer at 20° C, is not less than 60%.</p>
2. Jam	<p>A mixture, brought to a suitable gelled consistency, of sweetening agents and fruit pulp or fruit purée, or both, such that —</p> <p>(a) the quantity of fruit pulp and fruit purée used for every kilogram of the finished product is not less than —</p> <p>in the case of passion fruit, 60 grams, in the case of cashew apples, 160 grams, in the case of ginger, 150 grams, in the case of blackcurrants, rosehips or quinces, 250 grams, and in the case of any other fruit, 350 grams; and</p> <p>(b) the soluble solids content of the finished product, determined by refractometer at 20° C, is not less than 60%.</p>

SCHEDULE 1 — *continued*

Column 1	Column 2
Name of food	Composition of food
3. Extra jelly	<p>An appropriately gelled mixture of sweetening agents and fruit juice or aqueous extract of fruit, or both, such that —</p> <p>(a) if the juice or aqueous extract, or both, of more than one type of fruit is or are used, the mixture does not include the juice or aqueous extract of apples, pears, clingstone plums, melons, water-melons, grapes, pumpkins, cucumbers or tomatoes;</p> <p>(b) the quantity of fruit juice and aqueous extract of fruit used for every kilogram of the finished product is not less than — in the case of passion fruit, 80 grams, in the case of cashew apples, 230 grams, in the case of ginger, 250 grams, in the case of blackcurrants, rosehips or quinces, 350 grams, and in the case of any other fruit, 450 grams; and</p> <p>(c) the soluble solids content of the finished product, determined by refractometer at 20° C, is not less than 60%.</p>
4. Jelly	<p>An appropriately gelled mixture of sweetening agents and fruit juice or aqueous extract of fruit, or both, such that —</p> <p>(a) the quantity of fruit juice and aqueous extract of fruit used for every kilogram of the finished product is not less than — in the case of passion fruit, 60 grams, in the case of cashew apples, 160 grams, in the case of ginger, 150 grams, in the case of blackcurrants, rosehips or quinces, 250 grams, and in the case of any other fruit, 350 grams; and</p> <p>(b) the soluble solids content of the finished product, determined by refractometer at 20° C, is not less than 60%.</p>
5. Marmalade	<p>A mixture, brought to a suitable gelled consistency, of sweetening agents and fruit pulp, fruit purée, fruit juice, fruit peel or aqueous extract of fruit or any combination thereof, in every case obtained from citrus fruit, such that—</p> <p>(a) the quantity of citrus fruit used for every kilogram of the finished product is not less than 200 grams, of which not less than 75 grams is obtained from the endocarp; and</p> <p>(b) the soluble solids content of the finished product, determined by refractometer at 20° C, is not less than 60%.</p>

SCHEDULE 1 — *continued*

Column 1	Column 2
Name of food	Composition of food
6. Chestnut purée	<p>A mixture, brought to a suitable consistency, of sweetening agents and puréed chestnuts, such that—</p> <p>(a) the quantity of puréed chestnuts used for every kilogram of the finished product is not less than 380 grams; and</p> <p>(b) the soluble solids content of the finished product, determined by refractometer at 20° C, is not less than 60%.</p>
7. Reduced sugar jam	<p>A food whose composition is the same as that of jam, except that its soluble solids content, determined by refractometer at 20° C, is not less than 30% and not more than 55%.</p>
8. Reduced sugar jelly	<p>A food whose composition is the same as that of UK standard jelly, except that its soluble solids content, determined by refractometer at 20°C, is not less than 30% and not more than 55%.</p>
9. Reduced sugar marmalade	<p>A food whose composition is the same as that of marmalade, except that its soluble solids content, determined by refractometer at 20°C, is not less than 30% and not more than 55%.</p>
10. UK standard jelly	<p>An appropriately gelled mixture of sweetening agents and fruit juice or aqueous extract of fruit, or both, such that —</p> <p>(a) the fruit juice and aqueous extract of fruit used for every kilogram of the finished product are derived from a quantity of fruit, fruit pulp or fruit purée, or any combination thereof, which is not less than —</p> <p>in the case of passion fruit, 60 grams, in the case of cashew apples, 160 grams, in the case of ginger, 150 grams, in the case of blackcurrants, rosehips or quinces, 250 grams, and in the case of any other fruit, 350 grams; and</p> <p>(b) the soluble solids content of the finished product, determined by refractometer at 20°C, is not less than 60%.</p>

SCHEDULE 1 — *continued*

Column 1	Column 2
Name of food	Composition of food
11. X curd	<p>An emulsion of edible fat or oil, sugar, edible starch or flour, whole egg and fruit, fruit pulp, fruit purée, fruit juice, aqueous extract of fruit or essential oils of fruit, or any combination thereof, with or without other ingredients, such that —</p> <ul style="list-style-type: none"> (a) the quantity of fat or oil used for every kilogram of the finished product is not less than 40 grams; (b) the quantity of whole egg used is such that every kilogram of the finished product contains not less than 6.5 grams of egg yolk solids; (c) (i) in the case of lemon curd and orange curd, every kilogram of the finished product contains not less than 1.25 grams of lemon oil or 2.5 grams of orange oil, as the case may be, and (ii) in the case of other fruit curds, the quantity of fruit, fruit pulp, fruit purée, fruit juice, aqueous extract of fruit or essential oils of fruit, whether those ingredients are used singly or in combination, is sufficient to characterise the finished product; and (d) the soluble solids content of the finished product, determined by refractometer at 20°C, is not less than 65%.
12. Y flavour curd	<p>An emulsion of edible fat or oil, sugar, edible starch or flour, whole egg and flavouring material, with or without other ingredients, such that —</p> <ul style="list-style-type: none"> (a) the quantity of fat or oil used for every kilogram of the finished product is not less than 40 grams; (b) the quantity of whole egg used is such that every kilogram of the finished product contains not less than 6.5 grams of egg yolk solids; (c) the quantity of flavouring material used is sufficient to characterise the finished product; and (d) the soluble solids content of the finished product, determined by refractometer at 20°C, is not less than 65%.

SCHEDULE 1 — *continued*

Column 1	Column 2
Name of food	Composition of food
13. Mince-meat	<p>A mixture of sweetening agents, vine fruits, citrus peel, suet or equivalent fat and vinegar or acetic acid, with or without other ingredients, such that —</p> <p>(a) the quantity of vine fruits and citrus peel used for every kilogram of the finished product is not less than 300 grams, of which not less than 200 grams consists of vine fruits;</p> <p>(b) the quantity of suet or equivalent fat used for every kilogram of the finished product is not less than 25 grams;</p> <p>(c) the quantity of acetic acid contained in the finished product is not more than 5 grams per kilogram; and</p> <p>(d) the soluble solids content of the finished product, determined by refractometer at 20° C, is not less than 65%.</p>

Notes

1. In the case of a food prepared from a mixture of types of fruit, column 2 of this Schedule shall be read as if the minimum quantities specified for the various types of fruit mentioned or referred to therein were reduced in proportion to the relative quantities of the types of fruit used.

2. In the case of a food which is specially made to fulfil the particular nutritional requirements of diabetics and whose labelling clearly indicates that it is intended for diabetics, column 2 of this Schedule shall be read as if the sub-paragraph relating to the soluble solids content of the finished product were omitted from the entries for extra jam, jam, extra jelly, marmalade, chestnut purée and UK standard jelly.

3. Until 31st July 1984 column 2 of this Schedule shall be read as if, in the entry for jam, the word “and” which follows the references to the minimum quantity of blackcurrants, rosehips or quinces were replaced by the following words:—

“in the case of raspberries or gooseberries, 300 grams, and”.

4. Column 1 of this Schedule shall be read as if for “X” in item 11 there were substituted —

- (a) the name of a particular type of fruit; or
- (b) the words “mixed fruit”; or
- (c) the word “fruit” preceded by an indication of the number of types of fruit used in the preparation of the food described in column 2 of the item.

5. Column 1 of this Schedule shall be read as if for “Y” in item 12 there were substituted —

- (a) the name of a particular type of fruit; or
- (b) the words “mixed fruit”.

SCHEDULE 2 Regulations 5(5), 8(4) and 14

PERMITTED ADDITIONAL INGREDIENTS

PART 1

INGREDIENTS WHOSE USE MUST BE INDICATED
IN THE NAME OF THE FOOD

Column 1	Column 2	Column 3
Ingredients	Foods in which ingredients may be used	Conditions of use
Any edible ingredient other than citrus fruit juice and additives not listed in this Part of this Schedule	All foods described in column 2 of Schedule 1.	The quantity used must be sufficient to modify flavour.
Citrus fruit juice	Extra jam, jam.	The quantity used must be sufficient to modify flavour.
Citrus peel Leaves of <i>Pelargonium odoratissimum</i> Ait.	Extra jam, jam, extra jelly and jelly which, in each case, is made from quinces.	
Vanilla Vanilla extract Vanillin Ethyl vanillin	Extra jam, jam, extra jelly and jelly which, in each case, is made from apples, rosehips or quinces: chestnut purée.	

PART II

PRESERVATIVES

WHOSE USE NEED NOT BE INDICATED IN THE
NAME OF THE FOOD

Column 1	Column 2	Column 3
Ingredients (with serial numbers, if any)	Foods in which ingredients may be used	Conditions of use
E 200 Sorbic acid E 201 Sodium sorbate E 202 Potassium sorbate E 203 Calcium sorbate	Reduced sugar products.	The total content of these ingredients in the finished product must not exceed 750 mg/kg calculated as sorbic acid.
E 210 Benzoic acid E 211 Sodium benzoate E 212 Potassium benzoate E 213 Calcium benzoate	Reduced sugar products.	The total content of these ingredients in the finished product must not exceed 500 mg/kg calculated as benzoic acid.
E 214 Ethyl 4-hydroxybenzoate E 215 Ethyl 4-hydroxybenzoate, sodium salt	Reduced sugar products.	The total content of these ingredients in the finished product must not exceed 500 mg/kg calculated as ethyl 4-hydroxybenzoate.
E 216 Propyl 4-hydroxybenzoate E 217 Propyl 4-hydroxybenzoate, sodium salt	Reduced sugar products.	The total content of these ingredients in the finished product must not exceed 500 mg/kg calculated as propyl 4-hydroxybenzoate.
E 218 Methyl 4-hydroxybenzoate E 219 Methyl 4-hydroxybenzoate, sodium salt	Reduced sugar products.	The total content of these ingredients in the finished product must not exceed 500 mg/kg calculated as methyl 4-hydroxybenzoate.

PART III

INGREDIENTS, OTHER THAN PRESERVATIVES, WHOSE USE NEED NOT BE INDICATED
IN THE NAME OF THE FOOD

Column 1	Column 2	Column 3
Ingredients (with serial numbers, if any)	Foods in which ingredients may be used	Conditions of use
Water which is suitable for food manufacture	All foods described in column 2 of Schedule 1.	
Fruit juice	Jam, reduced sugar jam.	
Red fruit juice	Extra jam, reduced sugar jelly or reduced sugar marmalade which, in each case, is made from strawberries, raspberries, gooseberries, redcurrants or plums, or from any combination thereof.	
Red beetroot juice	Jam, jelly, reduced sugar jam, reduced sugar jelly or reduced sugar marmalade which in each case, is made from strawberries, raspberries, gooseberries, redcurrants or plums or from any combination thereof.	
Permitted colouring matters	Jam, jelly, marmalade, reduced sugar products and UK standard jelly.	
Essential oils of citrus fruits	Marmalade.	
Edible oils and fats	All foods described in column 2 of Schedule 1.	To be used only as anti-foaming agents.
E 471 Mono- and diglycerides of fatty acids	All foods described in column 2 of Schedule 1.	
Dimethylpolysiloxane	All foods described in column 2 of Schedule 1.	The dimethylpolysiloxane content of the finished product must not exceed 10 mg/kg.

SCHEDULE 2 PART III — *continued*

Column 1	Column 2	Column 3
Ingredients (with serial numbers, if any)	Foods in which ingredients may be used	Conditions of use
Sorbitan monolaurate	Marmalade which contains no insoluble matter, or no insoluble matter other than a small quantity of finely sliced peel.	The sorbitan monolaurate content of the finished product must not exceed 25 mg/kg.
Liquid pectin derived from dried apple pomace or dried peel of citrus fruits, or both, by the action of dilute acid followed by partial neutralisation with sodium or potassium salts	All foods described in column 2 of Schedule 1.	
E 440(a) Pectin E 440(b) Amidated pectin	Extra jam, jam, extra jelly, jelly, marmalade, chestnut purée and UK standard jelly. Reduced sugar products.	The total pectin and amidated pectin content of the finished product must not exceed 10g/kg and the amidated pectin content of the finished product must not exceed 5g/kg. In accordance with good manufacturing practice.
E 400 Alginic acid E 401 Sodium alginate E 402 Potassium alginate E 403 Ammonium alginate E 404 Calcium alginate E 406 Agar E 407 Carrageenan E 410 Locust bean gum E 412 Guar gum E 466 Sodium carbox-methyl cellulose Xanthan gum	Reduced sugar products.	In accordance with good manufacturing practice.
E 270 Lactic acid E 325 Sodium lactate E 330 Citric acid E 331 Sodium citrates E 333 Calcium citrates E 334 Tartaric acid E 335 Sodium tartrates	All foods described in column 2 of Schedule 1.	Only in such quantity as is necessary for normalising the pH.

SCHEDULE 2 PART III — *continued*

Column 1	Column 2	Column 3
Ingredients (with serial numbers, if any)	Foods in which ingredients may be used	Conditions of use
E 327 DL-malic acid L-malic acid Sodium hydrogen malate Sodium malate Calcium hydrogen malate Calcium malate Calcium lactate	All foods described in column 2 of Schedule 1.	In accordance with good manufacturing practice.
Sodium carbonate Sodium bicarbonate Sodium hydroxide	All foods described in column 2 of Schedule 1.	
E 170 Calcium carbonate Calcium chloride Calcium gluconate	Extra jam, jam, extra jelly, jelly, marmalade, chestnut purée and UK standard jelly. Reduced sugar products.	The total calcium carbonate, calcium chloride and calcium gluconate content of the finished product, calculated as calcium, must not exceed 200 mg/kg. In accordance with good manufacturing practice.
E 326 Potassium lactate E 332 Potassium citrates E 336 Potassium tartrates Potassium malate E 341 Calcium tetrahydrogen diorthophosphate E 450(c) Sodium polyphosphates	Reduced sugar products.	In accordance with good manufacturing practice.
E 300 L-ascorbic acid	All foods described in column 2 of Schedule 1.	Only as an antioxidant

Note

If two or more of the preservatives specified in column 1 of Part II of this Schedule are used in the preparation of a reduced sugar product, the total preservative content of the finished product must be such that, if the quantity of each such preservative present in every kilogram of the finished product is expressed as a percentage of the maximum quantity specified for that preservative in column 3 of this Schedule, the sum of those percentages does not exceed 100.

Regulation 12(3)

SCHEDULE 3

PERMITTED SOURCES OF SULPHUR DIOXIDE

- E 220 Sulphur dioxide
- E 221 Sodium sulphite (anhydrous or heptahydrate)
- E 222 Sodium hydrogen sulphite
- E 223 Sodium metabisulphite
- E 224 Potassium metabisulphite
- E 226 Calcium sulphite
- E 227 Calcium hydrogen sulphite

Regulation 13

SCHEDULE 4

PERMITTED SWEETENING AGENTS

- | | | |
|--|---|--|
| <ul style="list-style-type: none"> Dextrose anhydrous Dextrose monohydrate Dried glucose syrup Extra white sugar Glucose syrup Invert sugar solution Invert sugar syrup Semi-white sugar Sugar solution White sugar Fructose Brown sugar Cane molasses Honey | } | <p>as defined in Schedule 1 to the Specified Sugar Products (Scotland) Regulations 1976(a)</p> |
|--|---|--|

An aqueous solution of sucrose having the following characteristics:—

- (a) a dry matter content of not less than 62%;
- (b) an invert sugar content of not more than 3% of the dry matter and a ratio of fructose to dextrose in the invert sugar of 1.0 ± 0.2 ;
- (c) a conductivity ash content of not more than 0.3% of the dry matter determined according to the method of analysis referred to in item (2) of Schedule 2 to the Specified Sugar Products (Scotland) Regulations 1976;
- (d) a colour in solution of not more than 75 units determined according to the method of analysis referred to in item (3) of Schedule 2 to the Specified Sugar Products (Scotland) Regulations 1976;
- (e) a residual sulphur dioxide content of not more than 15 milligrams per kilogram of the dry matter.

(a) S.I. 1976/946, to which there are amendments not relevant to these regulations.

SCHEDULE 5

Regulation 20

AMENDMENTS TO THE PRESERVATIVES IN FOOD
(SCOTLAND) REGULATIONS 1979

1. In this Schedule a reference to a numbered regulation or schedule is a reference to the regulation or schedule so numbered in the Preservatives in Food (Scotland) Regulations 1979.

2. In regulation 2(1) —

(a) in the definition of “fruit spread” for the words “of which the total soluble solids content is less than 65 per cent” there shall be substituted the words “which is not a product described in column 2 of Schedule 1 to the Jam and Similar Products (Scotland) Regulations 1981;

(b) the definition of “jam” shall be deleted; and

(c) after the definition of “raw peeled potatoes” there shall be inserted the following definitions;

“reduced sugar jam”, “reduced sugar jelly” and “reduced sugar marmalade” have the meanings assigned to them by regulation 2(2) of the Jam and Similar Products (Scotland) Regulations 1981;

3. In sub-paragraph (ii) of paragraph (b) of the proviso to regulation 4(1) for the words “beer, grape juice products (unfermented, intended for sacramental use) or diabetic jam” there shall be substituted the words “beer or grape juice products (unfermented, intended for sacramental use)”.

4. In Schedule 2 for the item relating to jam, other than diabetic jam, there shall be substituted the following item:—

In column 1 (Specified Food)	In column 2 (Permitted Preservative)	In column 3 (Milligrams per kilogram not exceeding —)
“Jam and other products described in column 2 of Schedule 1 to the Jam and Similar Products (Scotland) Regulations 1981;		
Reduced sugar jam, reduced sugar jelly and reduced sugar marmalade	Sulphur dioxide and benzoic acid or methyl 4-hydroxybenzoate or ethyl 4-hydroxybenzoate or propyl 4-hydroxybenzoate or sorbic acid	As prescribed in the Jam and Similar Products (Scotland) Regulations 1981
Any other product described in column 2 of Schedule 1 to the Jam and Similar Products (Scotland) Regulations 1981	Sulphur dioxide	As prescribed in the Jam and Similar Products (Scotland) Regulations 1981”.

5. The item relating to diabetic jam shall be deleted from Schedule 2.

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

These Regulations implement Council Directive No. 79/693/EEC (O.J. No. L205, 13.8.79, p. 5) on the approximation of the laws of the Member States relating to fruit jams, jellies and marmalades and chestnut puree and come into operation on 1st August 1982, except for Regulations 1, 2 and 22, which come into operation on 13th October 1981, and the provisions relating to labelling (Regulations 5 and 7 to 10), which come into operation on 1st January 1983 (the day on which the Food Labelling (Scotland) Regulations 1981 come into operation). The Regulations supersede the Food Standards (Preserves) Order 1953, as amended, incorporating with modifications the provisions of that order relating to fruit curd and mincemeat. From 13th October 1981 food which complies with these Regulations and the Food Labelling (Scotland) Regulations 1981 will not be subject to the Food Standards (Preserves) Order 1953, as amended, or the Labelling of Food (Scotland) Regulations 1970, as amended, apart from the provisions of those regulations relating to claims.

The Regulations —

- (a) control the use of certain names in the labelling and advertising of food (Regulations 4 and 6 and Schedule 1);
- (b) prescribe names to be used for foods covered by the regulations in the labelling of those foods (Regulation 5, Schedule 1 and Schedule 2, Part I);
- (c) make special provisions for the list of ingredients of such foods other than fruit curd, fruit flavour curd and mincemeat (Regulation 7);
- (d) prescribe for such foods, other than fruit curd, fruit flavour curd and mincemeat, labelling requirements additional to those imposed by the Food Labelling (Scotland) Regulations 1981 (Regulation 8);
- (e) impose requirements for fruit used in such foods (Regulations 11 and 12 and Schedule 3);
- (f) specify the sweetening agents that may be used in such foods (Regulation 13 and Schedule 4);
- (g) specify the additional ingredients that may be used in such foods other than fruit curd, fruit flavour curd and mincemeat (Regulation 14 and Schedule 2);
- (h) control the residual sulphur dioxide content of such foods (Regulation 15);
- (i) prescribe offences and penalties and make supplementary provisions (Regulations 16 to 19);
- (j) further amend the Preservatives in Food (Scotland) Regulations 1979, revoke the Food Standards (Preserves) Order 1953, as amended, and lay down transitional provisions (Regulations 20 to 22 and Schedule 5).

The Regulations do not apply to food which is not intended for sale for human consumption or to food which is intended for export or supplied for consumption by Her Majesty's forces or a visiting force; the additional labelling requirements (Regulation 8) and the control on the use of additional ingredients (Regulation 14) do not apply to food which is sold to a manufacturer for the purposes of his manufacturing business (Regulation 3).

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