
 STATUTORY INSTRUMENTS

1982 No. 1619 (S. 175)

FOOD

COMPOSITION AND LABELLING

**The Fruit Juices and Fruit Nectars (Scotland) Amendment
Regulations 1982**

<i>Made - - - -</i>	<i>27th October 1982</i>
<i>Laid before Parliament</i>	<i>25th November 1982</i>
<i>Coming into Operation</i>	
<i>Regulations 1, 2, 3, 7 and 8</i>	<i>16th December 1982</i>
<i>Regulation 11</i>	<i>1st July 1983</i>
<i>Regulations 4, 5, 6, 9 and 10</i>	<i>1st July 1984</i>

In exercise of the powers conferred on me by sections 4, 7 and 56 of the Food and Drugs (Scotland) Act 1956(a), and of all other powers enabling me in that behalf, and after consultation in accordance with section 56(6) of the said Act with such organisations as appears to me to be representative of interests substantially affected by these regulations, I hereby make the following regulations:—

Title and commencement

1. These regulations may be cited as the Fruit Juices and Fruit Nectars (Scotland) Amendment Regulations 1982 and shall come into operation—

- (a) as respects this regulation and regulations 2, 3, 7 and 8 on 16th December 1982,
- (b) as respects regulation 11 on 1 July 1983, and
- (c) as respects regulations 4, 5, 6, 9 and 10 on 1 July 1984.

Amendment of the Fruit Juices and Fruit Nectars (Scotland) Regulations 1977

2. The Fruit Juices and Fruit Nectars (Scotland) Regulations 1977(b) (hereinafter referred to as “the 1977 regulations”) shall be further amended—

- (a) as from 16th December 1982 in accordance with regulations 3, 7 and 8 of these regulations, and
- (b) as from 1 July 1984 in accordance with regulations 4 to 6 of these regulations.

(a) 1956 c. 30; section 4 was amended by section 4(1) of, and paragraph 3(1) of Schedule 4 to, the European Communities Act 1972 (c. 68).

(b) S.I. 1977/1026, to which there are amendments not relevant to these regulations.

Amendment of regulation 2

3. In regulation 2(1) of the 1977 regulations for the words “apricots and strawberries” in the antepenultimate line of the definition of “fruit nectar” there shall be substituted the words “apricots, cherries (other than sour cherries), strawberries, apples, peaches and pears”.

Amendment of regulations 4 to 8

4. For regulations 4 to 8 of the 1977 regulations there shall be substituted the following regulations:—

“Name of the food

4.—(1) Subject to the following paragraphs of this regulation, for the purposes of the Food Labelling (Scotland) Regulations 1981(a) the name used as the name of the food in the labelling of any fruit juice, concentrated fruit juice, dried fruit juice or fruit nectar shall be “juice”, “concentrated juice”, “dried juice” or “nectar”, as is appropriate, accompanied in each case by an indication of the type of fruit from which the food is prepared.

(2) Where any such food is prepared from two or more types of fruit, the name used as the name of the food in the labelling of the food may, instead of being the name for which provision is made in paragraph (1) of this regulation, be “fruit juice”, “concentrated fruit juice”, “dried fruit juice”, or “fruit nectar”, as is appropriate, accompanied in each case by an indication of the types of fruit from which the food is prepared.

(3) In the case of concentrated fruit juice and dried fruit juice the indication of the type of fruit from which the food is prepared may appear between the prescribed words of the name of the food.

(4) Where, pursuant to paragraph (1) or (2) of this regulation, it is necessary for an indication of two or more types of fruit to appear in the name of the food, that indication shall refer to those types of fruit in descending order of weight.

(5) The weight referred to in paragraph (4) of this regulation is the weight of fruit juice, concentrated fruit juice, fruit purée or concentrated fruit purée used, except that, where concentrated fruit juice or concentrated fruit purée is reconstituted during the preparation of the food, the weight referred to is the weight after reconstitution.

(6) Nothing in this regulation shall be taken to require or permit the name “lemon” to be included in the name of any fruit nectar solely on account of the presence in the fruit nectar of lemon juice in accordance with paragraph (f) of the proviso to regulation 11(1).

(7) In the case of dried fruit juice—

(a) the word “dried” may be replaced by the word “powdered”, and

(b) the word “dried” (or “powdered”) may be accompanied or replaced

(a) S.I. 1981/137.

by the word “freeze-dried” or some other word descriptive of the specific process used.”

Restrictions on the use of certain names

5.—(1) A name that is prescribed for a food by regulation 4 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 for which the name is so prescribed.

(2) A name that is prescribed for a food by regulation 4 shall not be used in the labelling or advertising of any food, whether or not qualified by other words, 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 for which the name is so prescribed.

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

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

List of ingredients

6. Notwithstanding regulation 5(b) of the Food Labelling (Scotland) Regulations 1981 (which requires food to be marked or labelled with a list of ingredients) and without prejudice to regulation 17 of those regulations (which specifies ingredients which need not be named in a list of ingredients),—

- (a) it shall not be necessary to name in the list of ingredients of fruit juice or concentrated fruit juice the permitted preservative sulphur dioxide if it is present in the food in accordance with paragraph (e) of the proviso to regulation 11(1) in a proportion not exceeding 10 milligrams per litre; and
- (b) it shall not be necessary to name in the list of ingredients of fruit juice, concentrated fruit juice or dried fruit juice added natural volatile components if such components are present in the food in accordance with paragraph (h) of the proviso to regulation 11(1).

Miscellaneous labelling

7.—(1) No person shall sell any fruit juice, concentrated fruit juice or dried fruit juice which, in accordance with paragraph (b), (c) or (d) of the proviso to regulation 11(1) contains any added sugar in excess of 15 grams per litre, unless the food is marked or labelled with the word “sweetened” followed by a declaration of the maximum added sugar content of the food in grams per litre, so however that the content declared shall not exceed the actual content by more than 15% of the actual content.

(2) No person shall sell any fruit nectar obtained exclusively from fruit purée or concentrated fruit purée or a mixture thereof, unless it is marked or

labelled with the declaration “contains fruit pulp” or a substantially similar declaration.

(3) No person shall sell any fruit juice or fruit nectar obtained wholly or partly from concentrated fruit juice or concentrated fruit purée, unless the fruit juice or fruit nectar is prominently marked or labelled in bold letters with the declaration “made with concentrated X juice” or “made with concentrated X purée”, as is appropriate, there being inserted in place of “X” the name of the fruit from which the concentrated fruit juice or concentrated fruit purée was obtained.

(4) No person shall sell any fruit juice, concentrated fruit juice or fruit nectar which has a carbon dioxide content greater than 2 grams per litre, unless it is marked or labelled with the word “carbonated”.

(5) No person shall sell any fruit nectar, unless it is marked or labelled with the declaration “fruit content x% minimum”, there being inserted in place of “x” the minimum percentage of the fruit nectar that consists of fruit juice or fruit purée or a mixture thereof.

(6) No person shall sell any concentrated fruit juice or dried fruit juice, unless it is marked or labelled with a declaration of the quantity of water to be added to reconstitute the food to fruit juice.

(7) No person shall sell a food which is required to be marked or labelled in accordance with one or more of the foregoing paragraphs of this regulation, unless—

- (a) the particulars with which it is required to be marked or labelled by paragraphs (1) to (3) of this regulation appear in immediate proximity to the name of the food; and
- (b) the particulars with which it is required to be marked or labelled by paragraphs (3) to (5) of this regulation appear in the same field of vision as—
 - (i) the name of the food,
 - (ii) the indication of net quantity if the food is required by the Weights and Measures Acts 1963 to 1979(a) or by any order made thereunder to be marked or labelled with such an indication, and
 - (iii) 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.

(8) This regulation does not apply to—

- (a) food which is not ready for delivery to the ultimate consumer or to a catering establishment;
- (b) food prepared on domestic premises for sale for the benefit of the person preparing it by a society registered under the Industrial and Provident Societies Act 1965(b);

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

(b) 1965 c. 12.

- (c) food prepared otherwise than in the course of a trade carried on by the person preparing it;
- (d) food to which regulation 27 or 28 of the Food Labelling (Scotland) Regulations 1981 (which relate to food for immediate consumption) applies.

(9) In this regulation “catering establishment” and “ultimate consumer” have the meanings assigned to them by the Food Labelling (Scotland) Regulations 1981.

Manner of marking or labelling

8. 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 a food is required to be marked or labelled by regulation 7 as if those particulars were particulars with which a food is required to be marked or labelled by the Food Labelling (Scotland) Regulations 1981.

Degree of concentration of concentrated fruit juice

8A.—(1) No person shall sell to the ultimate consumer any concentrated fruit juice unless it has been reduced in volume by at least 50% in the course of being concentrated.

(2) In this regulation “ultimate consumer” has the meaning assigned to it by the Food Labelling (Scotland) Regulations 1981.”.

Amendment of regulation 10

5. In regulation 10 of the 1977 regulations for the reference “regulation 5(5)” there shall be substituted the reference “regulation 11(2)”.

Amendment of regulation 11

6.—(1) Regulation 11 of the 1977 regulations shall be renumbered 11(1) and in that provision for the reference “regulation 5(5)” there shall be substituted the reference “paragraph (2) of this regulation”.

(2) In regulation 11 of the 1977 regulations there shall be inserted the following paragraph:—

“(2) The foods referred to in paragraph (1) of this regulation are:—

- (a) fruit juice intended for sale for consumption as fruit juice;
- (b) concentrated fruit juice intended for sale for consumption after dilution as fruit juice;
- (c) fruit nectar intended for sale for consumption as fruit nectar;
- (d) dried fruit juice intended for sale for consumption after reconstitution;
- (e) concentrated fruit juice intended for use in the preparation of any food mentioned in sub-paragraph (a), (c) or (d) of this paragraph;

- (f) fruit juice intended for use in the preparation of any food mentioned in sub-paragraph (b), (c) or (d) of this paragraph.”.

Amendment of Schedule 1

7. In Schedule 1 to the 1977 regulations for item 2 there shall be substituted the following item:—

In column 1 (Fruit from which the product is obtained)	In column 2 (Minimum quantity of acid expressed as tartaric acid and in grams per litre of the finished product)	In column 3 (Minimum quantity of juice or purée or of juice and purée expressed as a percentage of the weight of the finished product)
“2. Apples	3	50
Citrus fruits other than any citrus fruit provided for in item 1 of this column	5	50
Peaches	3	45
Pears	3	50
Any other fruit with juice edible in the natural state	—	50”.

Amendment of Schedule 4

8.—(1) In Schedule 4 to the 1977 regulations the words “and concentrated grape juice” shall be deleted from column 1 of item 2.

(2) In Schedule 4 to the 1977 regulations for item 6 there shall be substituted the following items:—

In column 1 (Fruit juice, concentrated fruit juice or fruit nectar)	In column 2 (Added permitted acid)	In column 3 (Grams per litre, after dilution if appropriate not exceeding —)
“6. Pineapple juice and concentrated pineapple juice	Citric acid	3
7. Pineapple juice	DL-Malic acid or L-Malic acid	3 3
8. Apple juice	Citric acid	3”.

Amendment of the Preservatives in Food (Scotland) Regulations 1979

9. The Preservatives in Food (Scotland) Regulations 1979(a) shall be further

(a) S.I. 1979/1073, to which there are amendments not relevant to these regulations.

amended by substituting for the reference "regulation 5(5)" in column 1 of the item relating to fruit juices in Schedule 2 thereto the reference "regulation 11(2)".

Amendment of the Food Labelling (Scotland) Regulations 1981

10. The Food Labelling (Scotland) Regulations 1981 shall be amended by deleting sub-paragraph (a) from regulation 4(3) thereof.

Transitional provision

11. In any proceedings for an offence against the 1977 regulations in respect of an act committed after 30 June 1983 and before 1 July 1984 it shall be a defence for the accused to prove that the matters constituting an offence against the aforesaid regulations would not have constituted an offence against those regulations or the Food Labelling (Scotland) Regulations 1981 if regulations 4, 5, 6 and 10 of 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.
27th October 1982.

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

These Regulations amend the Fruit Juices and Fruit Nectars (Scotland) Regulations 1977 ("the 1977 Regulations") and make consequential amendments to other regulations.

The Regulations—

- (a) extend the categories of fruit nectar which are not subject to a minimum acid content (Regulation 3);
- (b) reduce the minimum acid content of certain fruit nectars (Regulation 7);
- (c) permit the sale of apple juice which contains added citric acid (Regulation 8(2));
- (d) bring the labelling of fruit juices and fruit nectars under the control of the Food Labelling (Scotland) Regulations 1981 whilst making certain special provisions for the labelling of fruit juices and fruit nectars (Regulations 4 and 10);
- (e) correct an error in the 1977 Regulations whereby the sale of certain concentrated fruit juices containing added acid was wrongly permitted (Regulation 8(1) and (2)); and
- (f) make consequential amendments (Regulations 5, 6 and 9).

The amendments described in sub-paragraphs (a) and (b) above are made in implementation of Council Directive No. 79/168/EEC (OJ No. L37, 13.2.79, p. 27), which amends Council Directive No. 75/726/EEC (OJ No. L311, 1.12.75, p. 40) on the approximation of the laws of the Member States concerning fruit juices and certain similar products. The amendment described in sub-paragraph (c) above is made in pursuance of a derogation conferred by Council Directive No. 79/168/EEC. The amendments described in sub-paragraph (d) above and the consequential amendments referred to in sub-paragraph (f) above are made in implementation of Council Directive No. 81/487/EEC (OJ No. L189, 11.7.81, p. 43), which amends Council Directive No. 75/726/EEC for the second time.

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