
 STATUTORY INSTRUMENTS

1983 No. 1497 (S. 137)

FOOD

COMPOSITION AND LABELLING

The Sweeteners in Food (Scotland) Regulations 1983

<i>Made</i>	- - - -	10th October 1983
<i>Laid before Parliament</i>		24th October 1983
<i>Coming into Operation</i>		14th November 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 the powers enabling me in that behalf and after consultation in accordance with section 56(6) of the said Act with such organisations as appear 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 Sweeteners in Food (Scotland) Regulations 1983 and shall come into operation on 14th November 1983.

Interpretation

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

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

“the British Pharmacopoeia 1980” means the edition of the British Pharmacopoeia published in 1980 in London by the Department of Health and Social Security, the Scottish Home and Health Department, the Welsh Office and the Department of Health and Social Services for Northern Ireland, ISBN 0 11 320688 7*;

“the British Pharmacopoeia 1980 Addendum 1982” means the Addendum to the British Pharmacopoeia 1980 published in 1982 in London by the Department of Health and Social Security, the Scottish Home and Health Department, the Welsh Office and the Department of Health and Social Services for Northern Ireland, ISBN 0 11 320738 7;

“carbohydrate” means a substance which contains carbon, hydrogen and

(a) 1956 c. 30; section 4(1) was amended by Schedule 4, paragraph 3(1) to the European Communities Act 1972 (c. 68); section 26(3) was amended by Schedule 27, paragraph 123 to the Local Government (Scotland) Act 1973 (c. 65); section 56(8) was amended by and section 56 (8A) inserted by Schedule 15, paragraph 8 to the Criminal Justice Act 1982 (c. 48).

oxygen only, and in which the hydrogen and oxygen occur in the same proportion as in water;

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

“natural food substance” means any substance, suitable for use as food and commonly used as food, which is wholly a natural product, whether or not that substance has been subjected to any process or treatment;

“permitted antioxidant” means any antioxidant in so far as its use is permitted by the Antioxidants in Food (Scotland) Regulations 1978(b);

“permitted bleaching agent” means any bleaching agent in so far as its use is permitted by the Bread and Flour (Scotland) Regulations 1963(c);

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

“permitted emulsifier” means any emulsifier in so far as its use is permitted by the Emulsifiers and Stabilisers in Food (Scotland) Regulations 1980(e);

“permitted improving agent” means any improving agent in so far as its use is permitted by the Bread and Flour (Scotland) Regulations 1963;

“permitted miscellaneous additive” means any miscellaneous additive in so far as its use is permitted by the Miscellaneous Additives in Food (Scotland) Regulations 1980(f);

“permitted preservative” means any preservative in so far as its use is permitted by the Preservatives in Food (Scotland) Regulations 1979(g);

“permitted solvent” means any solvent in so far as its use is permitted by the Solvents in Food (Scotland) Regulations 1968(h);

“permitted stabiliser” means any stabiliser in so far as its use is permitted by the Emulsifiers and Stabilisers in Food (Scotland) Regulations 1980;

“permitted sweetener” means any sweetener specified in Part I of Schedule 1 which satisfies the specific purity criteria for that sweetener specified or referred to in Part II of that Schedule and, so far as is not otherwise provided for by any such specific purity criteria, satisfies the general purity criteria specified in Part III of that Schedule;

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

“sweetener” means any substance, other than a carbohydrate, the primary organoleptic characteristic of which is sweetness, but does not include—

- (a) any natural food substance,
- (b) any permitted antioxidant,
- (c) any permitted bleaching agent,

(a) S.I. 1981/137, to which there are amendments not relevant to these regulations.

(b) S.I. 1978/492; the relevant amending instrument is S.I. 1980/1886.

(c) S.I. 1963/1461; the relevant amending instrument is S.I. 1972/1489.

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

(e) S.I. 1980/1888; amended by S.I. 1982/514.

(f) S.I. 1980/1889; the relevant amending instrument is S.I. 1982/515.

(g) S.I. 1979/1073; amended by S.I. 1980/1232, 1981/1320, 1982/516.

(h) S.I. 1968/263; amended by S.I. 1980/1887.

- (d) any permitted colouring matter,
- (e) any permitted emulsifier,
- (f) any permitted improving agent,
- (g) any permitted miscellaneous additive,
- (h) any permitted preservative,
- (i) any permitted solvent,
- (j) any permitted stabiliser,
- (k) any starch, whether modified or not;

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

(2) 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.

(3) Unless a contrary intention is expressed, all proportions mentioned in these regulations are proportions calculated by weight of the product as sold.

(4) 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.

Exemptions

3. These regulations do not apply to any food (including any sweetener) which is—

- (a) not intended for sale for human consumption; or
- (b) intended at the time of sale or importation, as the case may be, for exportation to any place outside the United Kingdom.

Sale and importation of food containing added sweeteners

4. No person shall sell or import any food which has added to it or onto it any sweetener other than a permitted sweetener.

Sale, importation and advertisement of sweeteners

5.—(1) No person shall sell or import any sweetener (including any sweetener with which any other substance has been mixed) which is intended for use in a catering establishment or for use by the ultimate consumer other than a permitted sweetener.

(2) No person shall sell or advertise for sale any sweetener (including any sweetener with which any other substance has been mixed) for use as an ingredient in the preparation of food unless the sweetener is a permitted sweetener.

Food for babies and young children

6.—(1) No person shall sell any food that is specially prepared for babies or young children if it has added to it or onto it any sweetener.

(2) Paragraph (1) of this regulation shall not apply to food specially prepared for babies or young children with special dietary requirements.

Labelling provisions

7.—(1) No person shall sell a permitted sweetener (including a permitted sweetener with which any other substance has been mixed) which is not ready for delivery to the ultimate consumer or a catering establishment unless it is marked or labelled with—

- (a) the name of the permitted sweetener;
- (b) the serial number, if any, specified for the permitted sweetener in column 2 of Part I of Schedule 1;
- (c) the words “for foodstuffs (restricted use)”;
- (d) the name or business name and an address or registered office of the manufacturer or packer, or of a seller established within the European Economic Community; and
- (e) in the case of the permitted sweetener sorbitol syrup (E420) which contains after hydrolysis a level of total sugars exceeding 1%, the words “contains after hydrolysis a level of total sugars of more than 1%” or substantially similar words.

(2) Without prejudice to paragraph (1) of this regulation, no person shall sell a permitted sweetener with which any other substance (including another permitted sweetener) has been mixed and which is not ready for delivery to the ultimate consumer or a catering establishment unless it is marked or labelled with the name of every other substance in the mixture.

(3) A permitted sweetener (including a permitted sweetener with which any other substance has been mixed) shall not be regarded as being marked or labelled in accordance with the foregoing paragraphs of this regulation unless the particulars with which it is required to be marked or labelled by those paragraphs appear—

- (a) on the packaging, or
- (b) on a label attached to the packaging, or
- (c) on a label that is clearly visible through the packaging, in such a way that they are easy to understand, clearly legible, indelible and not hidden, obscured or interrupted by any other written or pictorial matter.

Condemnation of food

8. Where any food is certified by a public analyst as being food which it is an offence against regulation 4 to sell or import, that food may be treated for the purposes of section 9 of the Act (under which food may be seized and destroyed on the order of a justice of the peace) as being unfit for human consumption.

Penalties

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

- (a) on summary conviction to a fine not exceeding £1,000 or to imprisonment for a term not exceeding six months or both;
- (b) on conviction on indictment to a fine or to imprisonment for a term not exceeding one year or both.

Enforcement

10. Each district and islands council shall enforce and execute the provisions of these regulations within their area.

Application of various provisions of the Act

11.—(1) Subject to paragraph (2) of this regulation, the following provisions of the Act (a) shall apply for the purposes of these regulations as if references therein to proceedings, or a prosecution, under or taken or brought under the Act included references to proceedings, or a prosecution, as the case may be, taken or brought for an offence under these regulations:—

- (a) section 41(2) and (5) (which relates to proceedings);
- (b) section 42(1), (2) and (3) (which relates to evidence of certificates of analysis);
- (c) section 44 (which relates to the power of a court to require analysis by the Government Chemist);
- (d) section 45 (which relates to a contravention due to default of some person other than the person charged);
- (e) section 46(2) (which relates to the conditions under which a warranty may be pleaded as a defence);
- (f) section 47 (which relates to offences in relation to warranties and certificates of analysis).

(2) Section 44 of the Act shall apply for the purposes of these regulations as if the reference therein to section 41(5) of the Act included a reference to that subsection as applied by paragraph (1) of this regulation.

Amendments

12. The regulations specified in Schedule 2 are hereby amended in accordance with that Schedule.

Revocation

13. The Artificial Sweeteners in Food (Scotland) Regulations 1969(b) are hereby revoked.

(a) 1956 c. 30.

(b) S.I. 1969/1848; the relevant amending instrument is S.I. 1981/137.

Transitional provisions

14.—(1) In any proceedings for an offence against regulation 7 in respect of an act committed after 13th November 1983 and before 1st January 1986 in relation to saccharin, sodium saccharin or calcium saccharin, it shall be a defence for the accused to prove that the act would not have constituted an offence against regulation 6(1) of the Artificial Sweeteners in Food (Scotland) Regulations 1969 if those regulations had been in operation when the act was committed.

(2) In any proceedings for an offence against regulation 7 in respect of an act committed after 13th November 1983 and before 1st January 1986 in relation to mannitol, sorbitol or sorbitol syrup, it shall be a defence for the accused to prove that the act would not have constituted an offence against regulation 5(2) of the Miscellaneous Additives in Food (Scotland) Regulations 1980(a) if those regulations had not been amended by these regulations.

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

New St Andrew's House,
Edinburgh.
10th October 1983.

(a) S.I. 1980/1889; the relevant amending instrument is S.I. 1982/515.

Regulation 2(1)

SCHEDULE 1

PART I

PERMITTED SWEETENERS

Column 1	Column 2
Name of sweetener	Serial number
Acesulfame potassium	_____
Aspartame	_____
Hydrogenated glucose syrup	_____
Isomalt	_____
Mannitol	E 421
Saccharin	_____
Sodium saccharin	_____
Calcium saccharin	_____
Sorbitol	E 420
Sorbitol syrup	E 420
Thaumatococcus	_____
Xylitol	_____

PART II

SPECIFIC PURITY CRITERIA
FOR PERMITTED SWEETENERS*Acesulfame potassium*

Synonym	Acesulfame K.
Chemical name	Potassium 3, 4-dihydro-6-methyl-2,2,4-trioxo-1,2λ ⁶ ,3-oxathiazin-3-ide.
Empirical formula	C ₄ H ₄ KNO ₄ S.
Molecular weight	201.2.
Description	White, odourless, crystalline powder or granules with an intensely sweet taste.
Content	Not less than 99.0% of C ₄ H ₄ KNO ₄ S on a volatile matter-free basis.
Volatile matter	Not more than 1.0% (determined by drying at 105°C to constant weight).
pH of a 1% aqueous solution	Not less than 6.5 and not more than 7.5.
Potassium acetate	Not more than 0.5%.
Fluoride	Not more than 30 mg/kg.

Aspartame

Chemical name	(3S)-3-amino-N[(αS)-α-methoxycarbonylphenethyl]-succinamic acid.
Synonym	L-aspartyl-L-phenylalanine methyl ester.

PART II (*continued*)

Empirical formula	$C_{14}H_{18}N_2O_5$.
Molecular weight	294.3.
Description	White, odourless, crystalline powder with an intensely sweet taste.
Content	Not less than 98.0% of $C_{14}H_{18}N_2O_5$ on a volatile matter-free basis.
Volatile matter	Not more than 4.5% (determined by drying at 105°C to constant weight).
Specific rotation, $[\alpha]_D^{20^\circ C}$	Not less than +12.5° and not more than +17.5° (determined using a 4% weight/volume solution on a volatile matter-free basis in 15M formic acid).
pH of a 0.8% aqueous solution	Not less than 4.0 and not more than 6.5.
Sulphated ash	Not more than 0.2% after ignition at $800 \pm 25^\circ C$.
5-Benzyl-3,6-dioxo-2-piperazine acetic acid	Not more than 1.5%.
<i>Hydrogenated glucose syrup</i>	
Synonym	Hydrogenated high maltose glucose syrup.
Description	Clear, colourless, sweet-tasting, aqueous solution of sorbitol, hydrogenated oligosaccharides and hydrogenated polysaccharides prepared by the catalytic hydrogenation of glucose syrup. When dried or crystallised the product is white and crystalline.
Content	D-glucitol: not more than 8%. 4-O- α -D-glucopyranosyl-D-glucitol: not less than 50% and not more than 90%. O- α -D-glucopyranosyl-[1→4]-O- α -D-glucopyranosyl-[1→4]-D-glucitol: not less than 5% and not more than 20%. Hydrogenated tetrasaccharides and hydrogenated higher polysaccharides: not less than 2% and not more than 30%. Hydrogenated polysaccharides containing 21 or more D-glucopyranosyl or D-glucitol units: not more than 3%. The percentages referred to are calculated on a dry weight basis in each case.
Water	Not more than 26% (Karl Fischer).

PART II (*continued*)

Reducing sugars	Not more than 0.3% on a dry weight basis, expressed as dextrose.
pH of a 40% aqueous solution	Not less than 4.0 and not more than 7.0.
Sulphur dioxide	Not more than 10 mg/kg on a dry weight basis.
Sulphated ash	Not more than 0.1% after ignition at $800 \pm 25^\circ\text{C}$, calculated on a dry weight basis.
Sulphate	Not more than 0.01% on a dry weight basis, expressed as SO_4 .
Chloride	Not more than 50 mg/kg on a dry weight basis, expressed as Cl.
Nickel	Not more than 2 mg/kg on a dry weight basis, expressed as Ni.
Lead	Not more than 1 mg/kg on a dry weight basis, expressed as Pb.
<i>Isomalt</i>	
Chemical description	An approximately equimolar mixture of 6-O- α -D-glucopyranosyl-D-glucitol and 1-O- α -D-glucopyranosyl-D-mannitol.
Empirical formula	$\text{C}_{12}\text{H}_{24}\text{O}_{11}$.
Molecular weight	6-O- α -D-glucopyranosyl-D-glucitol ($\text{C}_{12}\text{H}_{24}\text{O}_{11}$): 344.3. 1-O- α -D-glucopyranosyl-D-mannitol ($\text{C}_{12}\text{H}_{24}\text{O}_{11} \cdot 2\text{H}_2\text{O}$): 380.3.
Description	White, odourless, crystalline, slightly hygroscopic solid with a sweet taste.
Content	Not less than 98.0% of 6-O- α -D-glucopyranosyl-D-glucitol and 1-O- α -D-glucopyranosyl-D-mannitol; each shall be present in a proportion of not less than 43% (on a dry weight basis in each case).
Water	Not more than 7.0% (Karl Fischer).
Specific rotation, $[\alpha]_{\text{D}}^{20^\circ\text{C}}$	Not less than $+91.5^\circ$ (using a 4% weight/volume aqueous solution).
Reducing sugars	Not more than 1.5% on a dry weight basis, expressed as dextrose.
D-Mannitol	Not more than 0.5% on a dry weight basis.
D-Sorbitol	Not more than 0.5% on a dry weight basis.

PART II (*continued*)

Ash	Not more than 50 mg/kg after ignition at $800 \pm 25^\circ\text{C}$, calculated on a dry weight basis.
Nickel	Not more than 2 mg/kg on a dry weight basis, expressed as Ni.
Lead	Not more than 1 mg/kg on a dry weight basis, expressed as Pb.

E421 Mannitol

The criteria for mannitol contained in Council Directive 78/663/EEC(a) and in article 6(1)(a) of Council Directive 74/329/EEC(b), as amended(c).

Saccharin

The criteria in the monograph for saccharin contained in the British Pharmacopoeia 1980 at page 393.

Sodium saccharin

The criteria in the monograph for saccharin sodium contained in the British Pharmacopoeia 1980 at page 394, as amended by the British Pharmacopoeia 1980 Addendum 1982 at page 99.

Calcium saccharin

Chemical name	1,2-benzisothiazol-3(2H)-one 1,1-dioxide, calcium salt.
Empirical formula	$\text{C}_{14}\text{H}_8\text{CaN}_2\text{O}_6\text{S}_2$.
Molecular weight	404.4.
Description	White crystals or a white, crystalline powder; odourless or with a faint aromatic odour; with an intensely sweet taste.
Content	Not less than 99.0% of $\text{C}_{14}\text{H}_8\text{CaN}_2\text{O}_6\text{S}_2$ on a volatile matter-free basis.
Volatile matter	Not less than 11.0% and not more than 15.0% (determined by drying at 105°C to constant weight).
Free acid or alkali	Complies with the test in the monograph for saccharin sodium in the British Pharmacopoeia 1980.
Melting point of isolated saccharin	Complies with the test in the monograph for saccharin sodium in the British Pharmacopoeia 1980.

(a) O.J. No. L223, 14.8.78, p. 7.

(b) O.J. No. L189, 12.7.74, p. 1.

(c) The relevant amending instrument is Council Directive 78/612/EEC (O.J. No. L197, 22.7.78, p. 22).

PART II (*continued*)

Related substances	Complies with the test in the monograph for saccharin sodium in the British Pharmacopoeia 1980.
Arsenic	Complies with the test in the monograph for saccharin sodium in the British Pharmacopoeia 1980.
Heavy metals	Complies with the test in the monograph for saccharin sodium in the British Pharmacopoeia 1980.

E 420 Sorbitol

The criteria for sorbitol contained in Council Directive 78/663/EEC and in article 6(1)(a) of Council Directive 74/329/EEC, as amended.

E 420 Sorbitol syrup

The criteria for sorbitol syrup contained in Council Directive 78/663/EEC and in article 6(1)(a) of Council Directive 74/329/EEC, as amended.

Thaumatococcus

Description	Odourless, cream coloured, proteinaceous powder with an intensely sweet taste obtained from aqueous extracts of the arils of the fruit of <i>Thaumatococcus daniellii</i> (Benth).
Specific absorption, $E_{1\text{cm}}^{1\%}$	Not less than 12.0 and not more than 12.5 determined at the wavelength of maximum absorbance, about 279 nm, using a 0.1% weight/ volume aqueous solution at pH 2.7).
Nitrogen	Not less than 16.0% on a volatile matter-free basis.
Carbohydrate	Not more than 3.0% on a volatile matter-free basis.
Volatile matter	Not more than 9.0% (determined by drying at 105°C to constant weight).
Sulphated ash	Not more than 2.0% after ignition at $800 \pm 25^\circ\text{C}$, calculated on a volatile matter-free basis.
Aluminium	Not more than 0.01% on a volatile matter-free basis.

Xylitol

Chemical name	<i>meso</i> -Xylitol.
Empirical formula	$\text{C}_5\text{H}_{12}\text{O}_5$.
Description	White, odourless, crystalline powder or crystals with a sweet taste.

PART II (*continued*)

Content	Not less than 98.0% of <i>meso</i> -xylitol, C ₅ H ₁₂ O ₅ , on a volatile matter-free basis.
Volatile matter	Not more than 0.5% (determined by drying at 60°C over phosphorus pentoxide in a vacuum for 4 hours).
Reducing sugars	Not more than 0.2% on a volatile matter-free basis, expressed as dextrose.
pH of 10% aqueous solution	Not less than 5.0 and not more than 7.0.
Other polyols	Not more than 0.5% singly and not more than 1.0% in total on a volatile matter-free basis in each case.
Ash	Not more than 0.1% after ignition at 800 ± 25°C, on a volatile matter-free basis.
Nickel	Not more than 2 mg/kg on a volatile matter-free basis, expressed as Ni.
Lead	Not more than 1 mg/kg on a volatile matter-free basis, expressed as Pb.

PART III

GENERAL PURITY CRITERIA APPLICABLE TO PERMITTED
SWEETENERS EXCEPT WHERE OTHERWISE PROVIDED BY SPECIFIC
PURITY CRITERIA

No permitted sweetener shall contain more than—

- (a) 3 milligrams per kilogram of arsenic;
- (b) 10 milligrams per kilogram of lead.

SCHEDULE 2

Regulation 12

AMENDMENTS

1. *The Soft Drinks (Scotland) Regulations 1964*

(1) In regulation 2(1) of the Soft Drinks (Scotland) Regulations 1964(a) (in this paragraph called “the 1964 regulations”)—

- (a) the definition of “permitted artificial sweetener” shall be deleted;
- (b) for the definition of “saccharin” there shall be substituted the following definition:—
“saccharin” includes sodium saccharin and calcium saccharin;”

(a) S.I. 1964/767; relevant amending instruments are S.I. 1969/1847, 1972/1790, 1976/442.

(c) in the definition of “sweetened” for the words “polyhydric alcohol or any permitted artificial sweetener” there shall be substituted the word “sweetener”; and

(d) after the definition of “sweetened” there shall be inserted the following definition:—

“sweetener” has the meaning assigned to it by regulation 2(1) of the Sweeteners in Food (Scotland) Regulations 1983;’.

(2) Regulation 6(1) of the 1964 regulations shall be deleted.

(3) In regulations 6(2), (3), (4) and (5), 8A and 13 of the 1964 regulations and in Schedules 2 and 3 to those regulations for the words “permitted artificial sweetener”, wherever they occur, there shall be substituted the word “saccharin”.

(4) Schedule 1 to the 1964 regulations shall be deleted.

2. *The Solvents in Food (Scotland) Regulations 1968*

In regulation 2(1) of the Solvents in Food (Scotland) Regulations 1968(a)—

(a) the definition of “permitted artificial sweetener” shall be deleted;

(b) after the definition of “permitted stabiliser” there shall be inserted the following definition:—

“permitted sweetener” means any sweetener inasmuch as its use is permitted by the Sweeteners in Food (Scotland) Regulations 1983;’; and

(c) in the definition of “solvent” the word “artificial” shall be deleted.

3. *The Ice-Cream (Scotland) Regulations 1970*

(1) In regulation 2(1) of the Ice-Cream (Scotland) Regulations 1970(b) the definition of “artificial sweetener” shall be deleted.

(2) For regulation 4(8) of the Ice-Cream (Scotland) Regulations 1970 there shall be substituted the following paragraph:—

“(8) No ice-cream of any kind nor any Parev ice shall have added to it any acesulfame potassium, aspartame, saccharin, sodium saccharin, calcium saccharin or thaumatin.”.

4. *The Antioxidants in Food (Scotland) Regulations 1978*

In regulation 2(1) of the Antioxidants in Food (Scotland) Regulations 1978(c)—

(a) in the definition of “antioxidant” the word “artificial” shall be deleted;

(b) the definition of “permitted artificial sweetener” shall be deleted;

(c) in the definition of “permitted diluent” for the words “miscellaneous additive” there shall be substituted the word “sweetener”; and

(a) S.I. 1968/263, to which there are amendments not relevant to this Schedule.

(b) S.I. 1970/1285, to which there are amendments not relevant to this Schedule.

(c) S.I. 1978/492, to which there are amendments not relevant to this Schedule.

(d) after the definition of “permitted stabiliser” there shall be inserted the following definition:—

“permitted sweetener” means any sweetener in so far as its use is permitted by the Sweeteners in Food (Scotland) Regulations 1983;’.

5. *The Preservatives in Food (Scotland) Regulations 1979*

(1) In regulation 2(1) of the Preservatives in Food (Scotland) Regulations 1979(a) (in this paragraph called “the 1979 regulations”)—

(a) the definition of “permitted artificial sweetener” shall be deleted;
(b) after the definition of “permitted stabiliser” there shall be inserted the following definition:—

“permitted sweetener” means any sweetener in so far as its use is permitted by the Sweeteners in Food (Scotland) Regulations 1983;’;

(c) the definition of “polyhydric alcohol” shall be deleted;
(d) in the definition of “preservative” the word “artificial” shall be deleted; and
(e) in the definition of “sweetened” for the words “polyhydric alcohol or any permitted artificial sweetener” there shall be substituted the words “permitted sweetener”.

(2) In paragraph (b)(iii) of the proviso to regulation 4(1) of the 1979 regulations for the words “permitted artificial sweetener” there shall be substituted the words “saccharin, sodium saccharin or calcium saccharin”.

(3) In column 1 of the item in Schedule 2 to the 1979 regulations relating to preparations of permitted artificial sweetener and water only for the words “permitted artificial sweetener” there shall be substituted the words “saccharin, sodium saccharin or calcium saccharin”.

6. *The Emulsifiers and Stabilisers in Food (Scotland) Regulations 1980*

In regulation 2(1) of the Emulsifiers and Stabilisers in Food (Scotland) Regulations 1980(b)—

(a) in the definition of “emulsifier” and “stabiliser” the word “artificial” shall be deleted;
(b) the definition of “permitted artificial sweetener” shall be deleted; and
(c) after the definition of “permitted solvent” there shall be inserted the following definition:—

“permitted sweetener” means any sweetener in so far as its use is permitted by the Sweeteners in Food (Scotland) Regulations 1983;’.

7. *The Miscellaneous Additives in Food (Scotland) Regulations 1980*

(1) In regulation 2(1) of the Miscellaneous Additives in Food (Scotland) Regulations 1980(c) (in this paragraph called “the 1980 regulations”)—

(a) in the definition of “miscellaneous additive” the word “artificial” shall be deleted;

(a) S.I. 1979/1073, to which there are amendments not relevant to this Schedule.
(b) S.I. 1980/1888, to which there are amendments not relevant to this Schedule.
(c) S.I. 1980/1889, to which there are amendments not relevant to this Schedule.

- (b) the definition of “permitted artificial sweetener” shall be deleted; and
- (c) after the definition of “permitted stabiliser” there shall be inserted the following definition:—
- “permitted sweetener” means any sweetener in so far as its use is permitted by the Sweeteners in Food (Scotland) Regulations 1983;.
- (2) In Parts I and II of Schedule 1 to the 1980 regulations the entries relating to mannitol, sorbitol and sorbitol syrup shall be deleted.
- (3) Paragraph 1(d) of Schedule 3 to the 1980 regulations shall be deleted.

8. *The Food Labelling (Scotland) Regulations 1981*

In regulation 2(1) of the Food Labelling (Scotland) Regulations 1981(a) at the end of the definition of “serial number” there shall be inserted the words “or Schedule 1 to the Sweeteners in Food (Scotland) Regulations 1983”.

9. *The Jam and Similar Products (Scotland) Regulations 1981*

(1) In regulation 2(1) of the Jam and Similar Products (Scotland) Regulations 1981(b) (in this paragraph called “the 1981 regulations”) for the definition of “permitted artificial sweetener” there shall be substituted the following definition:—

“permitted sweetener” means any sweetener in so far as its use is permitted by the Sweeteners in Food (Scotland) Regulations 1983;.

(2) For regulation 13(2) of the 1981 regulations there shall be substituted the following paragraph:—

“(2) The permitted sweeteners acesulfame potassium, aspartame, saccharin, sodium saccharin, calcium saccharin and thaumatin may be used in the preparation of reduced sugar products.”.

(3) In regulation 13(3) of the 1981 regulations for the words “artificial sweeteners and sorbitol” there shall be substituted the word “sweeteners”.

(a) S.I. 1981/137, to which there are amendments not relevant to this Schedule.
(b) S.I. 1981/1320, to which there are amendments not relevant to this Schedule.

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

These regulations, which apply to Scotland only, control the use of non-carbohydrate sweeteners in food. The regulations—

- (a) specify permitted sweeteners and prescribe purity criteria for those sweeteners (regulation 2(1) and Schedule 1);
- (b) prohibit the sale and importation of food to which has been added any sweetener other than a permitted sweetener (regulation 4);
- (c) prohibit the sale and importation of sweeteners other than permitted sweeteners for catering purposes or table-top use (regulation 5(1));
- (d) prohibit the sale and advertisement for sale of sweeteners, other than permitted sweeteners, for use as ingredients in the preparation of food (regulation 5(2));
- (e) restrict the sale of food for babies or young children to which any sweetener has been added (regulation 6); and
- (f) prescribe labelling requirements for permitted sweeteners in circumstances for which their labelling is not controlled by the Food Labelling (Scotland) Regulations 1981 (regulation 7).

These regulations supersede the Artificial Sweeteners in Food (Scotland) Regulations 1969. The principal changes made are—

- (a) the addition of 9 substances to the list of permitted sweeteners including mannitol, sorbitol and sorbitol syrup, which were previously permitted “miscellaneous additives” under the Miscellaneous Additives in Food (Scotland) Regulations 1980; and
- (b) the removal of detailed controls on the composition and labelling of saccharin tablets.

Amendments are made to other regulations so as to—

- (a) allow the use of acesulfame potassium, aspartame and thaumatin in reduced sugar jam, reduced sugar jelly and reduced sugar marmalade; and
- (b) allow the use of all permitted sweeteners in jam and similar products intended for diabetics and in soft drinks.

Certain consequential amendments to those other regulations are also made.

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