
WELSH STATUTORY INSTRUMENTS

2002 No. 330 (W.43)

FOOD, WALES

**The Sweeteners in Food (Amendment)
(Wales) Regulations 2002**

Made - - - - *13th February 2002*

Coming into force - - *1st March 2002*

In exercise of the powers conferred by sections 16(1)(a) and (e), 17(1), 26(1) and (3) and 48(1) of, and paragraph 1 of Schedule 1 to, the Food Safety Act 1990⁽¹⁾, and now vested in the National Assembly for Wales⁽²⁾, the National Assembly for Wales, having had regard, in accordance with section 48(4A) of that Act, to relevant advice given by the Food Standards Agency and after consultation in accordance with section 48(4) and (4B) of that Act, makes the following Regulations:

Citation, commencement, extent and interpretation

1.—(1) These Regulations may be cited as the Sweeteners in Food (Amendment) (Wales) Regulations 2002, shall come into force on 1st March 2002 and shall extend to Wales only.

(2) In these Regulations “the principal Regulations” (“y prif Reoliadau”) means the Sweeteners in Food Regulations 1995⁽³⁾.

Amendment of the principal Regulations

2.—(1) The principal Regulations shall be amended, insofar as they extend to Wales, in accordance with paragraphs (2) and (3) below.

(2) In paragraph (1) of regulation 2(interpretation)—

(a) in the definition of “Directive 95/31/EC” there shall be added at the end the words “and by Directive 2001/52/EC”⁽⁴⁾; and

(b) for the definition of “permitted sweetener” there shall be substituted the following definition—

““permitted sweetener” means any sweetener specified in column 2 of Schedule 1 which satisfies the specific purity criteria for that sweetener set out—

(1) 1990 c. 16.

(2) Functions of “the Ministers” under the Food Safety Act 1990, so far as exercisable in relation to Wales, were transferred to the National Assembly for Wales by the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672).

(3) S.I. 1995/3123; relevant amending instruments are S.I. 1996/1477, 1997/814, 1999/982 and 2001/2679.

(4) The reference for Directive 2001/52/EC is OJ No. L190, 12.7.2001, p.18.

- (a) in the case of any sweetener other than sucralose, in the Annex to Directive 95/31/EC; and
- (b) in the case of sucralose, at pages 119 to 124 of the Food and Agriculture Organisation’s Compendium of Food Additives Specifications Addendum 2 (1993) FAO Food and Nutrition Paper 52 Addendum 2;”.

(3) In Schedule 1 (permitted sweeteners and the foods in or on which they may be used) there shall be added at the end, in columns 2 to 4, the provisions specified in the Schedule to these Regulations.

Consequential amendments

3.—(1) Paragraph (2) of regulation 4 (consequential amendments) of the Sweeteners in Food (Amendment) (Wales) Regulations 2001⁽⁵⁾ shall cease to have effect.

(2) In the provisions specified in paragraph (3) below, insofar as they extend to Wales, references to the principal Regulations shall be construed as references to those Regulations as amended up to and including the amendments effected by these Regulations.

(3) The provisions to which paragraph (2) above refers are—

- (a) the definition of “permitted sweetener” in paragraph (1) of regulation 2 (interpretation) of the Jam and Similar Products Regulations 1981⁽⁶⁾;
- (b) the definition of “additive” in paragraph (1) of regulation 2 (interpretation) of the Meat Products and Spreadable Fish Products Regulations 1984⁽⁷⁾;
- (c) the definition of “sweetener” in Part II of Schedule 1 (categories of food additives) to the Food Additives Labelling Regulations 1992⁽⁸⁾;
- (d) the definition of “sweetener” in paragraph (1) of regulation 2 (interpretation) of the Miscellaneous Food Additives Regulations 1995⁽⁹⁾; and
- (e) in the Food Labelling Regulations 1996⁽¹⁰⁾—
 - (i) paragraph (1) of regulation 34 (foods containing sweeteners, added sugar and sweeteners, aspartame or polyols); and
 - (ii) in Schedule 8 (misleading descriptions) Part I (general), the condition in column 2 opposite the description “ice cream” in column 1.

Signed on behalf of the National Assembly for Wales under section 66(1) of the Government of Wales Act 1998⁽¹¹⁾

13th February 2002

John Marek
The Deputy Presiding Officer of the National
Assembly

⁽⁵⁾ S.I. 2001/2679.

⁽⁶⁾ S.I. 1981/1063; the relevant amending instruments are S.I. 1983/1211 and 1995/3123.

⁽⁷⁾ S.I. 1984/1566; the relevant amending instruments are S.I. 1995/3123, 1995/3124 and 1995/3187.

⁽⁸⁾ S.I. 1992/1978; the relevant amending instrument is S.I. 1995/3123.

⁽⁹⁾ S.I. 1995/3187 to which there is an amendment not relevant to these Regulations.

⁽¹⁰⁾ S.I. 1996/1499 to which there are amendments not relevant to these Regulations.

⁽¹¹⁾ 1998 c. 38.

SCHEDULE**Regulation 2(3)****PROVISIONS ADDED TO COLUMNS 2 TO 4 OF
SCHEDULE 1 TO THE PRINCIPAL REGULATIONS**

| | | |
|---|--|------------|
| <i>Sucralose(12)</i> | Non-alcoholic | |
| | Water-based flavoured drinks, energy-reduced or with no added sugar | 300 mg/l |
| | Milk-and milk-derivative-based or fruit-juice-based drinks, energy-reduced or with no added sugar | 300 mg/l |
| | Desserts and similar products | |
| | Water-based flavoured desserts, energy-reduced or with no added sugar | 400 mg/kg |
| | Milk-and milk-derivative-based preparations, energy-reduced or with no added sugar | 400 mg/kg |
| | Fruit-and vegetable-based desserts, energy-reduced or with no added sugar | 400 mg/kg |
| | Egg-based desserts, energy-reduced or with no added sugar | 400 mg/kg |
| | Cereal-based desserts, energy-reduced or with no added sugar | 400 mg/kg |
| | Breakfast cereals with a fibre content of more than 15%, and containing at least 20% bran, energy-reduced or with no added sugar | 400 mg/kg |
| | Fat-based desserts, energy-reduced or with no added sugar | 400 mg/kg |
| | Confectionery | |
| | Confectionery with no added sugar | 1000 mg/kg |
| | Breath-freshening micro-sweets, with no added sugar | 2400 mg/kg |
| Tablet-form confectionery, energy-reduced | 200 mg/kg | |

(12) Authorised until 29 February 2004 in accordance with Article 5 of Directive 89/107/EEC (OJ No. L40, 11.2.89, p.27) pending consideration for inclusion in Directive 94/35/EC (OJ No. L237, 10.9.94, p.2).

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

| | |
|--|------------|
| Cocoa-or dried-fruit-based confectionery, energy-reduced or with no added sugar | 800 mg/kg |
| Starch-based confectionery, energy-reduced or with no added sugar | 1000 mg/kg |
| Chewing gum with no added sugar | 3000 mg/kg |
| Strongly flavoured freshening throat pastilles with no added sugar | 1000 mg/kg |
| Miscellaneous | |
| “Snacks”: certain flavours of ready to eat, prepacked, dry, savoury starch products and coated nuts | 400mg/kg |
| Cornets and wafers, for ice-cream, with no added sugar | 800mg/kg |
| <i>Essoblaten</i> | 800mg/kg |
| Cocoa-, milk-, dried-fruit- or fat-based sandwich spreads, energy- reduced or with no added sugar | 400mg/kg |
| Drinks consisting of a mixture of a non-alcoholic drink and beer, cider, perry, spirits or wine | 250mg/l |
| Cider and perry | 250mg/l |
| Alcohol-free beer or with an alcohol content not exceeding 1.2% vol | 250mg/l |
| “Bière de table/Tafelbier/ Table beer” (original wort content less than 6%) except for “Obergäriges Einfachbier” | 250mg/l |
| Beers with a minimum acidity of 30 milli-equivalents expressed as NaOH | 250mg/l |
| Brown beers of the “oud bruin” type | 250mg/l |
| Energy-reduced beer | 10mg/l |
| Spirit drinks containing less than 15% alcohol by volume | 250mg/l |

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

| | |
|--|-----------|
| Edible ices, energy-reduced or with no added sugar | 320mg/kg |
| Canned or bottled fruit, energy-reduced or with no added sugar | 400mg/kg |
| Energy-reduced jams, jellies and marmalades | 400mg/kg |
| Energy-reduced fruit and vegetable preparations | 400mg/kg |
| <i>Feinkostsalat</i> | 140mg/kg |
| Sweet-sour preserves of fruit and vegetables | 180mg/kg |
| Sweet-sour preserves and semi-preserves of fish and marinades of fish, crustaceans and molluscs | 120mg/kg |
| Sauces | 450mg/kg |
| Energy-reduced soups | 45mg/l |
| Mustard | 140mg/kg |
| Fine bakery products: energy-reduced or with no added sugar | 700mg/kg |
| Complete formulae for weight control intended to replace total daily food intake or an individual meal | 320mg/kg |
| Complete formulae and nutritional supplements for use under medical supervision | 400mg/kg |
| Liquid food supplements/dietary integrators | 240mg/kg |
| Solid food supplements/dietary integrators | 800mg/kg |
| Food supplements/diet integrators based on vitamins and/or mineral elements, syrup-type or chewable | 2400mg/kg |

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations, which extend to Wales only, further amend the Sweeteners in Food Regulations 1995 (S.I.1995/3123 as already amended) which extend to Great Britain, by—

- (a) bringing up to date the definition of “Directive 95/31/EC” (which relates to specific purity criteria) so as to cover its amendment by Directive 2001/52/EC (OJNo. L190, 12.7.2001, p.18) to substitute new purity criteria for mannitol and acesulfame K (regulation 2(2)(a));
- (b) granting provisional authorisation for the marketing and use as a sweetener of sucralose, as permitted by Article 5 of Directive 89/107/EEC on the approximation of the laws of the member States concerning food additives authorised for use in foodstuffs intended for human consumption (OJ No. L40, 11.2.1989, p.27) (regulations 2(2)(b) and 2(3); and
- (c) bringing up to date references to the 1995 Regulations in other Regulations.

Copies of the document referred to in regulation 2(2)(b) may be obtained from:

The Stationery Office

PO Box 29

St Crispin’s House

Norwich

NR3 1PD

Alternatively, copies may be obtained online from www.thestationeryoffice.com.