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COUNCIL DIRECTIVE 2001/112/EC

of 20 December 2001

relating to fruit juices and certain similar products intended for human consumption

(OJ L 10, 12.1.2002, p. 58)

Amended by:

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<u>M1</u>	Council Regulation (EC) No 1182/2007 of 26 September 2007	L 273	1	17.10.2007
<u>M2</u>	Regulation (EC) No 1332/2008 of the European Parliament and of the Council of 16 December 2008	L 354	7	31.12.2008
► <u>M3</u>	Commission Directive 2009/106/EC of 14 August 2009	L 212	42	15.8.2009
► <u>M4</u>	Directive 2012/12/EU of the European Parliament and of the Council of 19 April 2012	L 115	1	27.4.2012

COUNCIL DIRECTIVE 2001/112/EC

of 20 December 2001

relating to fruit juices and certain similar products intended for human consumption

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 37 thereof,

Having regard to the proposal from the Commission (1),

Having regard to the opinion of the European Parliament (2),

Having regard to the opinion of the Economic and Social Committee (3),

Whereas:

- (1) Certain vertical Directives relating to foodstuffs should be simplified in order to take account only of the essential requirements to be met by the products they cover in order that those products may move freely within the internal market, in accordance with the conclusions of the Edinburgh European Council on 11 and 12 December 1992, as confirmed by those of the Brussels European Council on 10 and 11 December 1993.
- (2) Council Directive 93/77/EEC of 21 September 1993 relating to fruit juices and certain similar products (4) was intended to codify Directive 75/726/EEC (5) on the same subject.
- (3) Directives 75/726/EEC and 93/77/EEC had been justified by the fact that differences between national laws concerning fruit juices and nectars intended for human consumption could result in conditions of unfair competition likely to mislead consumers, and thereby have a direct effect on the establishment and functioning of the common market.
- (4) The said Directives had consequently laid down common rules governing the composition, use of reserved descriptions, manufacturing specifications and labelling of the products concerned, in order to ensure their free movement within the Community.
- (5) For the sake of clarity, Directive 93/77/EEC should be recast in order to make the rules on manufacturing and marketing conditions for fruit juices and certain similar products more accessible.
- (6) Directive 93/77/EEC should also be brought into line with general Community legislation on foodstuffs, particularly legislation on labelling, colouring matter, sweeteners and other authorised additives.

⁽¹⁾ OJ C 231, 9.8.1996, p. 14.

⁽²⁾ OJ C 279, 1.10.1999, p. 92.

⁽³⁾ OJ C 56, 24.2.1997, p. 20.

⁽⁴⁾ OJ L 244, 30.9.1993, p. 23. Directive as last amended by the 1994 Act of Accession.

⁽⁵⁾ OJ L 311, 1.12.1975, p. 40.

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- (7) Directive 2000/13/EC of the European Parliament and of the Council of 20 March 2000 on the approximation of the laws of the Member States relating to the labelling, presentation and advertising of foodstuffs (¹), and in particular Article 7(2) and (5) thereof, should apply subject to certain conditions. It should be clearly indicated when a product is a mixture of fruit juice and fruit juice from concentrate, and, for fruit nectar, when it is obtained entirely or partly from a concentrated product. The list of ingredients in the labelling bears the names of both the fruit juices and fruit juices from concentrate used.
- (8) Subject to Council Directive 90/496/EEC of 24 September 1990 on nutrition labelling for foodstuffs (²), the addition of vitamins to the products defined by this Directive is permitted in some Member States. However, the extension of this possibility to the whole of the Community is not envisaged. Therefore, Member States are free to authorise or prohibit the addition of vitamins and also minerals as part of the manufacturing process. In all circumstances, however, the principle of the free movement of products within the Community should be observed in accordance with the rules and principles laid down in the Treaty.
- (9) In accordance with the principles of subsidiarity and proportionality established by Article 5 of the Treaty, the objective of laying down common definitions and rules for the products concerned and bringing the provisions into line with general Community legislation on foodstuffs cannot be sufficiently achieved by the Member States and can therefore, by reason of the nature of this Directive, be better achieved by the Community. This Directive does not go beyond what is necessary in order to achieve the said objective.
- (10) The measures necessary for the implementation of this Directive should be adopted in accordance with Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission (3).
- (11) To avoid creating new barriers to free movement, Member States should refrain from adopting, for the products in question, national provisions not provided for by this Directive,

HAS ADOPTED THIS DIRECTIVE:

Article 1

This Directive shall apply to the products defined in Annex I.

⁽¹⁾ OJ L 109, 6.5.2000, p. 29.

⁽²⁾ OJ L 276, 6.10.1990, p. 40.

⁽³⁾ OJ L 184, 7.7.1999, p. 23.

▼ M4

The products defined in Annex I are subject to provisions of Union law applicable to food, such as Regulation (EC) No 178/2002 of the European Parliament and of the Council of 28 January 2002 laying down the general principles and requirements of food law, establishing the European Food Safety Authority and laying down procedures in matters of food safety (1), unless this Directive provides otherwise.

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Article 3

Directive 2000/13/EC shall apply to the products defined in Annex I, subject to the following conditions:

- 1. (a) The product names listed in Annex I shall apply only to the products referred to therein and shall, without prejudice to subparagraph (b), be used in trade to designate them.
 - (b) As an alternative to the product names referred to in subparagraph (a), Annex III provides a list of particular designations. These designations may be used in the language and under the conditions laid down in Annex III.
- If the product comes from a single kind of fruit, the name of the latter shall be substituted for the word 'fruit'.

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3. For products manufactured from two or more fruits, except where lemon and/or lime juice are used under the conditions laid down in point 2 of Part II of Annex I, the product name shall be composed of a list of the fruits used, in descending order of the volume of the fruit juices or purées included, as indicated in the list of ingredients. However, in the case of products manufactured from three or more fruits, the indication of the fruits used may be replaced by the words 'several fruits' or a similar wording, or by the number of fruits used.

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5. The restoration of the products defined in part I of Annex I to their original state, by means of the substances strictly necessary for this operation, shall not entail an obligation to enter on the labels a list of the ingredients used for this purpose.

The addition to fruit juice of extra pulp or cells as defined in Annex II shall be indicated on the labelling.

⁽¹⁾ OJ L 31, 1.2.2002, p. 1.

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- 6. Without prejudice to Article 7(2) and (5) of Directive 2000/13/EC for mixtures of fruit juice and fruit juice from concentrate, and for fruit nectar obtained entirely or partly from one or more concentrated products, the labelling shall bear the words ► M3 'from concentrate(s)' ◄ or ► M3 'partially from concentrate(s)' ◄, as appropriate. That information shall be entered close to the product name, standing out well from any background, in clearly visible characters.
- 7. For fruit nectars, the labelling shall indicate the minimum content of fruit juice, fruit purée or any mixture of those ingredients, by the declaration 'fruit content: ... % minimum'. That information shall be located in the same field of vision as the product name.

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Article 4

The labelling of concentrated fruit juice referred to in point 2 of Part I of Annex I, not intended for delivery to the final consumer, shall bear a reference indicating the presence and quantity of added lemon juice, lime juice or acidifying agents permitted by Regulation (EC) No 1333/2008 of the European Parliament and of the Council of 16 December 2008 on food additives (1). This reference shall appear on one of the following:

- on the packaging,
- on a label attached to the packaging, or
- on an accompanying document.

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Article 5

For the products defined in Annex I, Member States shall not adopt national provisions not provided for by this Directive.

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This Directive shall apply to the products defined in Annex I which are placed on the market within the Union in accordance with Regulation (EC) No 178/2002.

⁽¹⁾ OJ L 354, 31.12.2008, p. 16.

Article 6

Without prejudice to Council Directive 89/107/EEC of 21 December 1988 on the approximation of the laws of the Member States concerning food additives authorised for use in foodstuffs intended for human consumption (¹), only the treatments and substances listed in part II of Annex I and the raw materials complying with Annex II may be used to manufacture the products defined in part I of Annex I. Moreover, fruit nectars shall comply with the provisions of Annex IV.

▼ M4

Article 7

In order to bring the Annexes to this Directive into line with developments in relevant international standards and to take into account technical progress, the Commission shall be empowered to adopt delegated acts in accordance with Article 7a to amend the Annexes to this Directive, with the exception of Part I of Annex I, and of Annex II.

Article 7a

- 1. The power to adopt delegated acts is conferred on the Commission subject to the conditions laid down in this Article.
- 2. The power to adopt delegated acts referred to in Article 7 shall be conferred on the Commission for a period of five years from 28 October 2013. The Commission shall draw up a report in respect of the delegation of power not later than nine months before the end of the five-year period. The delegation of power shall be tacitly extended for periods of an identical duration, unless the European Parliament or the Council opposes such extension not later than three months before the end of each period.
- 3. The delegation of power referred to in Article 7 may be revoked at any time by the European Parliament or by the Council.

A decision to revoke shall put an end to the delegation of the power specified in that decision. It shall take effect the day following the publication of the decision in the *Official Journal of the European Union* or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.

4. As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council.

⁽i) OJ L 40, 11.2.1989, p. 27. Directive as amended by Directive 94/34/EC (OJ L 237, 10.9.1994, p. 1).

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5. A delegated act adopted pursuant to Article 7 shall enter into force only if no objection has been expressed either by the European Parliament or the Council within a period of two months of notification of that act to the European Parliament and the Council or if before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by two months at the initiative of the European Parliament or of the Council.

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Article 9

Directive 93/77/EEC is hereby repealed with effect from 12 July 2003.

References to the repealed Directive shall be construed as references to this Directive.

Article 10

Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive before 12 July 2003. They shall forthwith inform the Commission thereof.

The measures shall be applied so as to:

- authorise the marketing of the products defined in Annex I if they comply with the definitions and rules laid down in this Directive, with effect from 12 July 2003,
- prohibit the marketing of products which fail to comply with this Directive, with effect from 12 July 2004.

However, the marketing of products which fail to comply with this Directive but which were labelled before 12 July 2004 in accordance with Directive 93/77/EEC may continue until stocks run out.

When Member States adopt these measures, they shall contain a reference to this Directive or shall be accompanied by such reference at the time of their official publication. The methods of making such reference shall be laid down by Member States.

Article 11

This Directive shall enter into force on the day of its publication in the Official Journal of the European Communities.

Article 12

This Directive is addressed to the Member States.

ANNEX I

PRODUCT NAMES, DEFINITIONS OF PRODUCTS AND CHARACTERISTICS

I. DEFINITIONS

1. (a) Fruit juice

The fermentable but unfermented product obtained from the edible part of fruit which is sound and ripe, fresh or preserved by chilling or freezing of one or more kinds mixed together having the characteristic colour, flavour and taste typical of the juice of the fruit from which it comes.

Flavour, pulp, and cells obtained by suitable physical means from the same species of fruit may be restored to the juice.

In the case of citrus fruits, the fruit juice must come from the endocarp. Lime juice, however, may be obtained from the whole fruit.

Where juices are processed from fruits with pips, seeds and peel, parts or components of pips, seeds and peel shall not be incorporated in the juice. This provision shall not apply to cases where parts or components of pips, seeds and peel cannot be removed by good manufacturing practices.

The mixing of fruit juice with fruit purée is authorised in the production of the fruit juice.

(b) Fruit juice from concentrate

The product obtained by reconstituting concentrated fruit juice defined in point 2 with potable water that meets the criteria set out in Council Directive 98/83/EC of 3 November 1998 on the quality of water intended for human consumption (1).

The soluble solids content of the finished product shall meet the minimum Brix level for reconstituted juice specified in Annex V.

If a juice from concentrate is manufactured from a fruit not mentioned in Annex V, the minimum Brix level of the reconstituted juice shall be the Brix level of the juice as extracted from the fruit used to make the concentrate.

Flavour, pulp and cells obtained by suitable physical means from the same species of fruit may be restored to the fruit juice from concentrate.

The fruit juice from concentrate is prepared by suitable processes, which maintain the essential physical, chemical, organoleptical and nutritional characteristics of an average type of juice of the fruit from which it comes.

The mixing of fruit juice and/or concentrated fruit juice with fruit purée and/or concentrated fruit purée is authorised in the production of fruit juice from concentrate.

2. Concentrated fruit juice

The product obtained from fruit juice of one or more fruit species by the physical removal of a specific proportion of the water content. Where the product is intended for direct consumption, the removal shall be at least 50 % of the water content.

Flavour, pulp and cells obtained by suitable physical means from the same species of fruit may be restored to the concentrated fruit juice.

3. Water extracted fruit juice

The product obtained by diffusion with water of:

- pulpy whole fruit whose juice cannot be extracted by any physical means, or
- dehydrated whole fruit.

4. Dehydrated/powdered fruit juice

The product obtained from fruit juice of one or more fruit species by the physical removal of virtually all the water content.

5. Fruit nectar

The fermentable but unfermented product which:

- is obtained by adding water with or without the addition of sugars and/or honey to the products defined in points 1 to 4 to fruit purée and/or to concentrated fruit purée and/or to a mixture of those products, and
- meets the requirements of Annex IV.

Without prejudice to Regulation (EC) No 1924/2006 of the European Parliament and of the Council of 20 December 2006 on nutrition and health claims made on foods (¹), where fruit nectars are manufactured without added sugars or with reduced energy value, sugars may be replaced wholly or partially by sweeteners, in accordance with Regulation (EC) No 1333/2008.

Flavour, pulp and cells obtained by suitable physical means from the same species of fruit may be restored to the fruit nectar.

II. AUTHORISED INGREDIENTS, TREATMENTS AND SUBSTANCES

1. Composition

The species corresponding to the botanical name in Annex V shall be used in the preparation of fruit juices, fruit purées and fruit nectars bearing the product name for the applicable fruit or the common name of the product. For fruit species not included in Annex V, the correct botanical or common name shall apply.

For fruit juice the Brix level shall be the one of the juice as extracted from the fruit and shall not be modified, except by blending with the juice of the same species of fruit.

The minimum Brix level established in Annex V for reconstituted fruit juice and reconstituted fruit purée is exclusive of the soluble solids of any added optional ingredients and additives.

2. Authorised ingredients

Only the following ingredients may be added to the products referred to in Part I:

- Vitamins and minerals as authorised in Regulation (EC)
 No 1925/2006 of the European Parliament and of the Council of 20 December 2006 on the addition of vitamins and minerals and of certain other substances to foods (¹);
- Food additives authorised in accordance with Regulation (EC) No 1333/2008;

and in addition:

- For fruit juice, fruit juices from concentrate and concentrated fruit juices: restored flavour, pulp and cells;
- For grape juice: restored salts of tartaric acids;
- For fruit nectars: restored flavour, pulp and cells; sugars and/or honey up to 20 % of the total weight of the finished products; and/or sweeteners;

A claim stating that sugars have not been added to fruit nectar, and any claim likely to have the same meaning for the consumer, may only be made where the product does not contain any added monoor disaccharides or any other food used for its sweetening properties, including sweeteners as defined in Regulation (EC) No 1333/2008. If sugars are naturally present in fruit nectar, the following indication should also appear on the label: 'contains naturally occurring sugars';

- For products referred to in point (a), the first indent of point (b), point (c), the second indent of point (e) and point (h) of Annex III: sugars and/or honey;
- For products defined in points 1 to 5 of Part I, in order to regulate acidic taste: lemon and/or lime juice and/or concentrated lemon and/or lime juice, up to 3 g per litre of juice, expressed as anhydrous citric acid;
- For tomato juice and tomato juice from concentrate: salt, spices and aromatic herbs.

3. Authorised treatments and substances

Only the following treatments may be applied and only the following substances may be added to the products referred to in Part I:

- Mechanical extraction processes;
- The usual physical processes, including in-line water extraction (diffusion) of the edible part of fruits other than grapes for the manufacture of concentrated fruit juices, provided that the fruit juices thus obtained comply with point 1 of Part I;
- For grape juice, where sulphitation with sulphur dioxide of the grapes has been used, desulphitation by physical means is authorised, provided that the total quantity of SO₂ present in the final product does not exceed 10 mg/l;
- Enzyme preparations: pectinases (for breakdown of pectin), proteinases (for breakdown of proteins) and amylases (for breakdown of starch) meeting the requirements of Regulation (EC) No 1332/2008 of the European Parliament and of the Council of 16 December 2008 on food enzymes (¹);
- Edible gelatine;
- Tannins;
- Silica sol;
- Charcoal;
- Nitrogen;
- Bentonite as an adsorbent clay;
- Chemically inert filtration aids and precipitation agents (including perlite, washed diatomite, cellulose, insoluble polyamide, polyvinylpolypyrrolidone, polystyrene), which comply with Regulation (EC) No 1935/2004 of the European Parliament and of the Council of 27 October 2004 on materials and articles intended to come into contact with food (2);
- Chemically inert adsorption aids which comply with Regulation (EC) No 1935/2004, and which are used to reduce the limonoid and naringin content of citrus juice without significantly affecting the limonoid glucosides, acid, sugars (including oligosaccharides) or mineral content.

⁽¹⁾ OJ L 354, 31.12.2008, p. 7.

⁽²⁾ OJ L 338, 13.11.2004, p. 4.

ANNEX II

DEFINITIONS OF RAW MATERIALS

For the purposes of this Directive, the following definitions shall apply:

(1) Fruit

All fruits. For the purposes of this Directive, tomatoes are also considered as fruit

The fruit shall be sound, appropriately mature, and fresh or preserved by physical means or by treatment(s), including post-harvest treatments applied in accordance with Union law.

(2) Fruit purée

The fermentable but unfermented product obtained by suitable physical processes such as sieving, grinding, milling the edible part of whole or peeled fruit without removing the juice.

(3) Concentrated fruit purée

The product obtained from fruit purée by the physical removal of a specific proportion of its water content.

Concentrated fruit purée may have restored flavour which shall be obtained by suitable physical means, as defined in point 3 of Part II of Annex I and all of which must be recovered from the same species of fruit.

(4) Flavour

Without prejudice to Regulation (EC) No 1334/2008 of the European Parliament and of the Council of 16 December 2008 on flavourings and certain food ingredients with flavouring properties for use in and on foods (¹), flavours for restoration are obtained during the processing of the fruit by applying suitable physical processes. Those physical processes may be applied to retain, preserve or stabilise the flavour quality and include in particular squeezing, extraction, distillation, filtration, adsorption, evaporation, fractionation and concentration.

Flavour is obtained from the edible parts of the fruit; however it could also be cold pressed oil from citrus peel and compounds from the stones.

(5) Sugars

- sugars as defined by Council Directive 2001/111/EC of 20 December 2001 relating to certain sugars intended for human consumption (2),
- fructose syrup,
- sugars derived from fruits.

(6) Honey

The product defined by Council Directive 2001/110/EC of 20 December 2001 relating to honey (3).

(7) Pulp or cells

The products obtained from the edible parts of fruit of the same species without removing the juice. Furthermore, for citrus fruit, pulp or cells are the juice sacs obtained from the endocarp.

⁽¹⁾ OJ L 354, 31.12.2008, p. 34.

⁽²⁾ OJ L 10, 12.1.2002, p. 53.

⁽³⁾ OJ L 10, 12.1.2002, p. 47.

ANNEX III

PARTICULAR DESIGNATIONS FOR CERTAIN PRODUCTS LISTED IN ANNEX I

- (a) 'vruchtendrank', for fruit nectars;
- (b) 'Süßmost';

The designation 'Süßmost' may be used only in conjunction with the product names 'Fruchtsaft' or 'Fruchtnektar':

- for fruit nectar obtained exclusively from fruit juices, concentrated fruit juices or a mixture of these products, unpalatable in the natural state because of their high natural acidity,
- for fruit juice obtained from apples or from pears, with the addition of apples where appropriate, but with no added sugar;
- (c) 'succo e polpa' or 'sumo e polpa', for fruit nectars obtained exclusively from fruit purée and/or concentrated fruit purée;
- (d) 'æblemost', for apple juice with no added sugar;
- (e) 'sur ... saft', together with the name (in Danish) of the fruit used, for juices with no added sugar obtained from blackcurrants, cherries, redcurrants, whitecurrants, raspberries, strawberries or elderberries,
 - 'sød ... saft' or 'sødet ... saft' together with the name (in Danish) of the fruit used, for juices obtained from this fruit, with more than 200 g of added sugar per litre;
- (f) 'äppelmust/äpplemust', for apple juice with no added sugar;
- (g) 'mosto', synonym of grape juice;
- (h) 'smiltsērkšķu sula ar cukuru' or 'astelpaju mahl suhkruga' or 'słodzony sok z rokitnika' for juices obtained from seabuckthorn berries with no more than 140 g of added sugar per litre.

 $\label{eq:annexiv} \textit{ANNEX IV}$ Special provisions relating to fruit nectars

	Fruit nectars made from	Minimum juice and/or purée content (% by volume of finished product)
I.	Fruits with acidic juice unpalatable in the natural state	
	Passion fruit	25
	Quito naranjillos	25
	Blackcurrants	25
	Whitecurrants	25
	Redcurrants	25
	Gooseberries	30
	Seabuckthorn berries	25
	Sloes	30
	Plums	30
	Quetsches	30
	Rowanberries	30
	Rose hips	40
	Sour cherries	35
	Other cherries	40
	Bilberries	40
	Elderberries	50
	Raspberries	40
	Apricots	40
	Strawberries	40
	Mulberries/blackberries	40
	Cranberries	30
	Quinces	50
	Lemons and limes	25
	Other fruits belonging to this category	25
II.	Low-acid, pulpy or highly flavoured fruits with juice unpalatable in the natural state	
	Mangoes	25
	Bananas	25
	Guavas	25

Fruit nectars made from	Minimum juice and/or purée content (% by volume of finished product)
Papayas	25
Lychees	25
Azeroles (Neapolitan medlars)	25
Soursop	25
Bullock's heart or custard apple	25
Sugar apples	25
Pomegranates	25
Cashew fruits	25
Spanish plums	25
Umbu	25
Other fruits belonging to this category	25
III. Fruits with juice palatable in the natural state	
Apples	50
Pears	50
Peaches	50
Citrus fruits except lemons and limes	50
Pineapples	50
Tomatoes	50
Other fruits belonging to this category	50

ANNEX V

BRIX LEVELS FOR RECONSTITUTED RECONSTITUTED FRUIT PURÉE MINIMUM **FRUIT** JUICE AND

Common Name of the Fruit	Botanical Name	Minimum Brix levels
Apple (*) Malus domestica Borkh.		11,2
Apricot (**)	Prunus armeniaca L.	11,2
Banana (**)	Musa x paradisiaca L. (excluding plantains)	21,0
Blackcurrant (*)	Ribes nigrum L.	11,0
Grape (*)	Vitis vinifera L. or hybrids thereof Vitis labrusca L. or hybrids thereof	15,9
Grapefruit (*)	Citrus x paradisi Macfad.	10,0
Guava (**)	Psidium guajava L.	8,5
Lemon (*)	Citrus limon (L.) Burm.f.	8,0
Mango (**)	Mangifera indica L.	13,5
Orange (*)	Citrus sinensis (L.) Osbeck	11,2
Passion Fruit (*)	Passiflora edulis Sims	12,0
Peach (**)	Prunus persica (L.) Batsch var. persica	10,0
Pear (**)	Pyrus communis L.	11,9
Pineapple (*)	Ananas comosus (L.) Merr.	12,8
Raspberry (*)	Rubus idaeus L.	7,0
Sour Cherry (*)	Prunus cerasus L.	13,5
Strawberry (*)	Fragaria x ananassa Duch.	7,0
Tomato (*)	Lycopersicon esculentum, Mill.	5,0
Mandarin (*)	Citrus reticulata Blanco	11,2

For those products marked with an asterisk (*), which are produced as a juice, a minimum relative density is determined as such in relation to water at 20/20 °C.

For those products marked with two asterisks (**), which are produced as a purée, only a minimum uncorrected Brix reading (without correction of acid) is determined.