

2018 No. 78

FOOD

**The Jam and Similar Products Regulations (Northern Ireland)
2018**

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Coming into operation - *23rd April 2018*

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The Department of Health(a) makes the following Regulations in exercise of the powers conferred by Articles 15(1)(a) and (e), 16(1) and (2), 25(1) and (3), 26(3), 32(1) and 47(2) of the Food Safety (Northern Ireland) Order 1991(b) and paragraph 1A of Schedule 2 to the European Communities Act 1972(c).

These Regulations make provision for a purpose mentioned in section 2(2) of the European Communities Act 1972 and it appears to the Department of Health that it is expedient for any references to the European instruments specified in regulation 2(3) to be construed as references to those instruments as amended from time to time.

In accordance with Article 47(3A) of that Order, it has had regard to relevant advice given by the Food Standards Agency.

As required by Article 9 of Regulation (EC) No 178/2002 of the European Parliament and of the Council 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(d) as last amended by Regulation (EC) No 652/2014 of the European Parliament and of the Council laying down provisions for the management of expenditure relating to the food chain, animal health and animal welfare, and relating to plant health and plant reproductive material(e), there has been open and transparent public consultation during the preparation and evaluation of these Regulations.

Citation and commencement

1. These Regulations may be cited as the Jam and Similar Products Regulations (Northern Ireland) 2018 and come into operation on 23rd April 2018.

Interpretation

2.—(1) In these Regulations—

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

“authorised additional ingredient” means an ingredient specified in Schedule 1;

“authorised treatment” means a treatment specified in Schedule 2;

“Directive 2001/111/EC” means Council Directive 2001/111/EC(f) relating to certain sugars intended for human consumption as last amended by Regulation (EU) No 1021/2013 of the European Parliament and of the Council amending Council Directives 2001/111 and 2001/113/EC as regards the powers to be conferred on the Commission (g);

“Directive 2001/113/EC” means Council Directive 2001/113/EC(h) relating to fruit jams, jellies and marmalades and sweetened chestnut purée intended for human consumption as last amended by Regulation (EU) No 1021/2013 of the European Parliament and of the Council amending Council Directives 2001/111 and 2001/113/EC as regards the powers to be conferred on the Commission;

(a) Formerly the Department of Health, Social Services and Public Safety; see 2016 c.5 (N.I.), section 1
(b) S.I. 1991 No. 762 (N.I.7) as amended by S.I. 1996/1663 (N.I.12), paragraphs 26 to 42 of Schedule 5 and Schedule 6 to the Food Standards Act 1999 c.28 and S.R. 2004 Nos. 482 and 505
(c) 1972 c. 68. Paragraph 1A of Schedule 2 was inserted by Section 28 of the Legislative and Regulatory Reform Act 2006 (c. 51) and amended by Part 1 of the Schedule to the European Union (Amendment) Act 2008 (2008 c. 7)
(d) OJ No L 31, 1.2.2002, p 1
(e) OJ No L 189, 27.6.2014, p 1
(f) OJ No L 10, 12.1.2002, p 53
(g) OJ No L 287, 29.10.2013, p 1
(h) OJ No L 10, 12.1.2002, p 67

“EEA State” means a Member State of the European Union, Norway, Iceland and Liechtenstein but not the United Kingdom;

“free circulation” has the same meaning as in Article 24 of the Treaty establishing the European Union;

“fruit” means fresh, sound fruit, free from deterioration, containing all of its essential constituents and sufficiently ripe for use, after cleaning, removal of blemishes, topping and tailing, and includes ginger, tomatoes, the edible parts of rhubarb stalks, carrots, sweet potatoes, cucumbers, pumpkins, melons and watermelons;

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

“fruit purée” means the edible part of the whole fruit, with or without (as appropriate) the peel, skin, seeds, pips or the like, which has been reduced to a purée by being sieved or by being subjected to a similar process;

“ginger” means the edible root of the ginger plant in a fresh or preserved state, including dried ginger root and ginger root preserved in syrup;

“honey” means the natural sweet substance produced by *Apis mellifera* bees from the nectar of plants or from secretions of living parts of plants or excretions of plant-sucking insects on the living parts of plants which the bees collect, transform by combining with specific substances of their own, deposit, dehydrate, store and leave in honeycombs to ripen and mature;

“ingredient” has the meaning given in Article 2(2)(f) of Regulation (EU) No 1169/2011(a);

“in trade” has the same meaning as in Directive 2001/113/EC;

“labelling” has the meaning given in Article 2(2)(j) of Regulation (EU) No 1169/2011;

“the Order” means the Food Safety (Northern Ireland) Order 1991;

“permitted sweetener” means any sweetener in so far as its use is permitted in a regulated product by Regulation (EC) No 1333/2008(b);

“regulated product” means a product that is listed in column 1 of Part 1 of Schedule 3 and complies with the requirements for that product set out in the Part of that Schedule specified in the corresponding entry in column 2 of the table;

“Regulation (EC) No 1924/2006” means Regulation (EC) No 1924/2006(c) of the European Parliament and of the Council on nutrition and health claims made on foods as last amended by Commission Regulation (EU) No 1047/2012 amending Regulation (EC) No. 1924/2006 with regard to the list of nutrition claims(d);

“Regulation (EC) No 1333/2008” means Regulation (EC) No 1333/2008 of the European Parliament and of the Council on food additives as last amended by Commission Regulation (EU) 2018/97 amending Annex II to Regulation (EC) No 1333/2008 as regards the use of sweeteners in fine bakery wares(e);

“Regulation (EU) No 1169/2011” means Regulation (EU) No 1169/2011(f) of the European Parliament and of the Council on the provision of food information to consumers, amending Regulations (EC) No 1924/2006 and (EC) No 1925/2006 of the European Parliament and of the Council, and repealing Commission Directive 87/250/EEC, Council Directive 90/496/EEC, Commission Directive 1999/10/EC, Directive 2000/13/EC of the European Parliament and of the Council, Commission Directives 2002/67/EC and 2008/5/EC and Commission Regulation (EC) No 608/2004 as last amended by Regulation (EU) 2015/2283 of

(a) OJ No L 304, 22.11.2011, p 18
(b) OJ No L 354, 31.12.2008, p 16
(c) OJ No L 404, 30.12.2006, p 9
(d) OJ No L 310, 9.11.2012, p 36
(e) OJ No L17, 23.1.2018, p11
(f) OJ No L 304, 22.11.2011, p 18-63

the European Parliament and of the Council on novel foods amending Regulation (EU) No 1169/2011 **(a)**;

“sugar” means any of the following—

- (a) any sugar as defined in Part A of the Annex to Council Directive 2001/111/EC;
- (b) fructose syrup;
- (c) sugar extracted from fruit; or
- (d) brown sugar.

(2) Any other expression used both in these Regulations and in Directive 2001/113/EC has the same meaning in these Regulations as in that Directive.

(3) In these Regulations any reference to:

- (i) Council Directive 2001/111/EC;
- (ii) Council Directive 2001/113/EC;
- (iii) Regulation (EC) No 1924/2006;
- (iv) Regulation (EC) No 1333/2008; or
- (v) Regulation (EU) No 1169/2011

is a reference to that instrument as amended from time to time.

(4) The Interpretation Act (Northern Ireland) 1954**(b)** applies to these regulations as it applies to an Act of the Assembly.

Scope

3.—(1) These Regulations apply to products intended for human consumption, except for any product intended for the manufacture of fine bakery wares, pastries or biscuits.

(2) These Regulations do not apply to a product traded using a name listed in Part 2 of the table in Part 1 of Schedule 3 that is brought into Northern Ireland from another part of the United Kingdom or an EEA State or from the Republic of Turkey, in which it was lawfully marketed.

Use of a product name

4.—(1) A person who trades in a product that complies with the requirements of a Part of Schedule 3 specified in column 2 of the table in Part 1 of Schedule 3 must use the name of the product listed in the corresponding entry in column 1 of that table, in trade, as the name of the product.

(2) A person must not use a product name listed in column 1 of the table in Part 1 of Schedule 3, in trade, as the name of a product unless the product complies with the requirements for that product specified in the Part of Schedule 3 listed in the corresponding entry in column 2 of that table.

(3) Paragraph (2) does not prevent a product name being used, in trade, in addition to the name of another product if—

- (a) the use of the product name in that way is in accordance with practices used to designate the other product; and
- (b) the other product cannot be confused with a regulated product.

(a) OJ No L327, 11.12.2015, p1

(b) 1954 c.33 (N.I)

Indication of kinds of fruits used

5.—(1) A person must not trade in a regulated product unless the product name is supplemented with an indication of the kinds of fruits used to manufacture the product in accordance with paragraphs (2) to (4).

(2) Where a regulated product is manufactured using a single kind of fruit, the product name must be supplemented with an indication of the kind of fruit used to manufacture the product.

(3) Where a regulated product is manufactured from two kinds of fruit, the product name must be supplemented with an indication of those kinds of fruit in descending order of the weight of the raw materials of the fruit used to manufacture the product.

(4) Where a regulated product is manufactured from three or more kinds of fruit, the product name must be supplemented—

- (a) with an indication of the kinds of fruit used in descending order of the weight of the raw materials of fruit used to manufacture the product;
- (b) with the words “mixed fruit” or similar wording; or
- (c) with the number of kinds of fruit used.

Fruit content indication

6.—(1) A person must not trade in a regulated product unless the labelling of the product indicates the fruit content of the product in accordance with paragraphs (2) to (4).

(2) The fruit content must be indicated by including the words “prepared with x g of fruit per 100 g” with 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 being inserted in place of the “x”.

(3) If aqueous extracts are used in the manufacture of a regulated product, the fruit content of the finished product must be calculated after deducting the weight of any water used to prepare the aqueous extracts.

(4) The fruit content indication required by paragraph (1), as read with paragraph (2), must appear in the same visual field as the product name and be in clearly visible characters.

Total sugar content indication

7.—(1) A person must not trade in a regulated product unless the labelling of the product indicates the total sugar content of the finished product in accordance with paragraphs (2) to (5).

(2) The total sugar content must be indicated by including the words “total sugar content: x g per 100 g”, with the content in grams of soluble solids in each hundred grams of the finished product inserted in place of the ‘x’.

(3) The total sugar content of the finished product as indicated on the labelling must be determined by a refractometer at 20°C.

(4) The total sugar content of the finished product as indicated on the labelling must be accurate to ± 3 refractometric degrees.

(5) The total sugar content indication required by paragraph (1), as read with paragraph (2), must appear in the same visual field as the product name and be in clearly visible characters.

(6) Paragraph (1) does not apply where a claim as regards the sugar content of a regulated product is made and the product is marked or labelled, as regards its sugar content, with the prescribed nutrition labelling as set out in Articles 30 to 35 of Regulation (EU) No 1169/2011.

Residual sulphur dioxide

8. A person must not trade in a regulated product that is listed in Part 1 of the table in Part 1 of Schedule 3 that has a residual sulphur dioxide content of more than 10 milligrams per kilogram unless, in addition to any particular required to be identified in a list of ingredients by Regulation

(EU) No 1169/2011, the presence of that residual sulphur dioxide is indicated in the list of ingredients of the product according to the percentage by weight of the residual sulphur dioxide in the product.

Enforcement

9. It is the duty of each district council within its district to enforce these Regulations.

Application and modification of provisions of the Order

10.—(1) The provisions of the Order specified in column 1 of the table in Schedule 4 apply with the modifications specified in column 2 of that table for the purposes of these Regulations.

(2) Paragraph 1 is without prejudice to the application of the Order to these Regulations for the purposes other than those specified in paragraph (1).

Revocation

11. The Jam and Similar Products Regulations (Northern Ireland) 2003(a) are revoked.

Sealed with the Official Seal of the Department of Health on 27th March 2018



Dr Elizabeth Redmond
A senior officer of the Department of Health

SCHEDULE 1

Regulation 2(1)

Authorised additional ingredients

1. The following additional ingredients may be used in the manufacture of a regulated product to the extent stated —

- (a) honey, as a total or partial substitute for sugar;
- (b) edible oils and fats as anti-foaming agents.

2. The following additional ingredients may be used in the manufacture of a regulated product—

- (a) liquid pectin;
- (b) spirits, wine and liqueur wine, nuts, aromatic herbs, spices, vanilla and vanilla extracts;
- (c) vanilline; and
- (d) any substance permitted pursuant to Regulation (EC) No 1333/2008.

SCHEDULE 2

Regulation 2(1)

Authorised treatments

1. Fruit, fruit pulp, fruit purée and aqueous extracts of fruit may be—

- (a) heated, chilled or frozen;
- (b) freeze-dried; or

(a) S.R. 2003 No. 519

(c) concentrated, to the extent that is technically possible.

2. Except when used for the manufacture of extra jam or extra jelly, fruit, fruit pulp, fruit purée and aqueous extracts of fruit may be treated using sulphur dioxide (E 220) or its salts (E 221, E 222, E 223, E 224, E 226 and E 227) as an aid to manufacture, provided that the maximum sulphur-dioxide content laid down in Regulation (EC) No 1333/2008 is not exceeded.

3. Apart from being freeze-dried, apricots and plums used in the manufacture of jam may also be treated by any other drying process.

4. Citrus peel may be preserved in brine.

SCHEDULE 3

Regulated products

Regulations 2 to 8

PART 1

List of products

<i>Column 1</i> <i>Product name</i>	<i>Column 2</i> <i>Part of this Schedule containing the specification for the product</i>
Part 1	
Jam	Part 2
Extra jam	Part 3
Jelly	Part 4
Extra jelly	Part 5
Marmalade	Part 6
Jelly marmalade	Part 7
Sweetened chestnut purée	Part 8
Part 2	
“X” curd	Part 9
Lemon cheese	Part 10
“Y” flavour curd	Part 11
Mince meat	Part 12

PART 2

Jam

1. Jam is a mixture, brought to a suitable gelled consistency, of—

- sugar;
- subject to paragraph 2, fruit pulp, or fruit purée, or both fruit pulp and fruit purée of one or more kinds of fruit; and
- water.

2. Notwithstanding paragraph 1(b), citrus jam may be obtained from the whole fruit, cut into strips, sliced or cut into strips and sliced.

3. The quantity of fruit pulp, or fruit purée, or both, used for every 1,000 grams of the finished product must not be less than—

- (a) 250 grams in the case of any of the following—
 - (i) redcurrants;
 - (ii) rowanberries;
 - (iii) sea buckthorns;
 - (iv) blackcurrants;
 - (v) rosehips; and
 - (vi) quinces.
- (b) 150 grams in the case of ginger;
- (c) 160 grams in the case of cashew apples;
- (d) 60 grams in the case of passion fruit; and
- (e) 350 grams in the case of any other fruit.

4. Apart from the ingredients mentioned in paragraphs 1 to 3, the product must not contain anything else except that it may contain any one or more of the following—

- (a) an authorised additional ingredient;
- (b) citrus fruit juice, in a product obtained from other kinds of fruit;
- (c) red fruit juice, in a product manufactured from any one or more of the following fruits—
 - (i) rosehips;
 - (ii) strawberries;
 - (iii) raspberries;
 - (iv) gooseberries;
 - (v) redcurrants;
 - (vi) plums; or
 - (vii) rhubarb;
- (d) red beetroot juice, in a product manufactured from any one or more of the following fruits—
 - (i) strawberries;
 - (ii) raspberries;
 - (iii) gooseberries;
 - (iv) redcurrants; and
 - (v) plums;
- (e) other fruit juice;
- (f) citrus peel; and
- (g) leaves of *Pelargonium odoratissimum*, in a product made from quince.

5. Any raw materials used to manufacture the product in accordance with this Part that are mentioned in Schedule 3 must not have been treated except using an authorised treatment.

6. The product must have a soluble dry matter content of 60% or more as determined by refractometer at 20°C except for—

- (a) those products in respect of which sugar has been wholly or partially replaced by permitted sweeteners;
- (b) those products in respect of which a “reduced sugar” claim is made in accordance with the conditions laid down in Regulation (EC) No 1924/2006.

PART 3

Extra jam

1. Extra jam is a mixture, brought to a suitable gelled consistency, of—

- (a) in the case of rosehip extra jam, and in the case of seedless raspberry, blackberry, blackcurrant, blueberry or redcurrant extra jam, of—
 - (i) sugar;
 - (ii) the unconcentrated purée of that fruit, or a mixture of the unconcentrated pulp and purée of that fruit; and
 - (iii) water; and
- (b) in other cases—
 - (i) sugar;
 - (ii) subject to paragraph 2, the unconcentrated pulp of one or more kinds of fruit; and
 - (iii) water.

2. Notwithstanding paragraph 1(b)(ii), citrus extra jam may be obtained from the whole fruit, cut into strips, sliced or cut into strips and sliced.

3. The following fruits must not be mixed with other fruits in the manufacture of extra jam—

- (a) apples;
- (b) pears;
- (c) clingstone plums;
- (d) melons;
- (e) watermelons;
- (f) grapes;
- (g) pumpkins;
- (h) cucumbers; and
- (i) tomatoes.

4. The quantity of fruit pulp (or fruit purée, or fruit purée and fruit pulp, in the case of a product to which paragraph 1(a) applies), used to manufacture 1,000 grams of the finished product must not be less than—

- (a) 350 grams in the case of the following—
 - (i) redcurrants;
 - (ii) rowanberries;
 - (iii) sea buckthorns;
 - (iv) blackcurrants;
 - (v) rosehips; and
 - (vi) quinces;
- (b) 250 grams in the case of ginger;
- (c) 230 grams in the case of cashew apples;
- (d) 80 grams in the case of passion fruit; and
- (e) 450 grams in the case of any other fruit.

5. Apart from the ingredients mentioned in paragraph 1, the product must not contain anything else except that it may contain any one or more of the following—

- (a) an authorised additional ingredient;
- (b) citrus fruit juice, in a product obtained from other kinds of fruit;

- (c) red fruit juices, in a product manufactured from any one or more of the following fruits—
 - (i) rosehips;
 - (ii) strawberries;
 - (iii) raspberries;
 - (iv) gooseberries;
 - (v) redcurrants;
 - (vi) plums; and
 - (vii) rhubarb;
- (d) citrus peel; and
- (e) leaves of *Pelargonium odoratissimum*, in a product made from quince.

6. Any raw materials used to manufacture the product in accordance with this Part that are mentioned in Schedule 2 must not have been treated except using an authorised treatment.

7. The product must have a soluble dry matter content of 60% or more as determined by refractometer at 20°C except for—

- (a) those products in respect of which sugar has been wholly or partially replaced by permitted sweeteners; and
- (b) those products in respect of which a “reduced sugar” claim is made in accordance with the conditions laid down in Regulation (EC) No 1924/2006.

PART 4

Jelly

1. Jelly is an appropriately gelled mixture of—

- (a) sugar and juice of one or more kinds of fruit;
- (b) sugar and aqueous extract of one or more kinds of fruit; or
- (c) sugar and fruit juice of one or more kinds of fruit and aqueous extract of one or more kinds of fruit.

2. The quantity of fruit juice, or aqueous extract of fruit, or both, used for the manufacture of every 1,000 grams of the finished product must not be less than—

- (a) 250 grams in the case of any of the following—
 - (i) redcurrants;
 - (ii) rowanberries;
 - (iii) sea buckthorns;
 - (iv) blackcurrants;
 - (v) rosehips; and
 - (vi) quinces.
- (b) 150 grams in the case of ginger;
- (c) 160 grams in the case of cashew apples;
- (d) 60 grams in the case of passion fruit; and
- (e) 350 grams in the case of any other fruit.

3. Where aqueous extract of fruit is used in the manufacture of the product, the quantities specified in paragraph 2(a) to (e) must be calculated after deduction of the weight of water used in preparing the aqueous extracts.

4. Apart from the ingredients mentioned in paragraph 1, the product must not contain anything else except that it may contain any one or more of the following —

- (a) an authorised additional ingredient;
- (b) citrus fruit juice, in a product obtained from other kinds of fruit;
- (c) red beetroot juice, in a product manufactured from one or more of the following fruits—
 - (i) strawberries;
 - (ii) raspberries;
 - (iii) gooseberries;
 - (iv) redcurrants; or
 - (v) plums;
- (d) citrus peel; and
- (e) leaves of *Pelargonium odoratissimum*, in a product made from quince.

5. Any raw materials used to manufacture the product in accordance with this Part that are mentioned in Schedule 2 must not have been treated except using an authorised treatment.

6. The product must have a soluble dry matter content of 60% or more as determined by refractometer at 20°C except for—

- (a) those products in respect of which sugar has been wholly or partially replaced by permitted sweeteners; and
- (b) those products in respect of which a “reduced sugar” claim is made in accordance with the conditions laid down in Regulation (EC) No 1924/2006.

PART 5

Extra jelly

1. Extra jelly is an appropriately gelled mixture of—

- (a) sugar and fruit juice;
- (b) sugar and aqueous extract of fruit; or
- (c) sugar and both fruit juice and aqueous extract of fruit.

2. The following fruits must not be mixed with any other fruits in the manufacture of the product—

- (a) apples;
- (b) pears;
- (c) clingstone plums;
- (d) melons;
- (e) watermelons.
- (f) grapes;
- (g) pumpkins;
- (h) cucumbers; and
- (i) tomatoes.

3. The quantity of fruit juice, or aqueous extract of fruit, or both, used for the manufacture of every 1,000 grams of the finished product must not be less than—

- (a) 350 grams in the case of the following—
 - (i) redcurrants;
 - (ii) rowanberries;

- (iii) sea buckthorns;
 - (iv) blackcurrants;
 - (v) rosehips; and
 - (vi) quinces;
- (b) 250 grams in the case of ginger;
 - (c) 230 grams in the case of cashew apples;
 - (d) 80 grams for passion fruit; and
 - (e) 450 grams in the case of any other fruit.

4. Where aqueous extract of fruit is used in the manufacture of the product, the quantities in paragraphs (a) to (e) of paragraph 3 must be calculated after the deduction of the weight of water used in preparing the aqueous extract.

5. Apart from the ingredients mentioned in paragraph 1, the product must not contain anything else except that it may contain any one or more of the following —

- (a) an authorised additional ingredient;
- (b) citrus fruit juice, in a product obtained from other kinds of fruit;
- (c) citrus peel; and
- (d) leaves of *Pelargonium odoratissimum*, in a product made from quince.

6. Any raw materials used to manufacture the product in accordance with this Part that are mentioned in Schedule 2 must not have been treated except using an authorised treatment.

7. The product must have a soluble dry matter content of 60% or more as determined by refractometer at 20°C except for—

- (a) those products in respect of which sugar has been wholly or partially replaced by permitted sweeteners; and
- (b) those products in respect of which a “reduced sugar” claim is made in accordance with the conditions laid down in Regulation (EC) No 1924/2006.

PART 6

Marmalade

1. Marmalade is a mixture, brought to a suitable gelled consistency, of—

- (a) water;
- (b) sugar; and
- (c) fruit pulp, fruit purée, fruit juice, fruit peel or aqueous extract of fruit, or any combination thereof, in every case obtained from citrus fruit.

2. The quantity of citrus fruit used for the manufacture of every 1,000 grams of the finished product must not be less than 200 grams, of which not less than 75 grams must be obtained from the endocarp.

3. The product must have a soluble dry matter content of 60% or more as determined by refractometer at 20°C except for—

- (a) those products in respect of which sugar has been wholly or partially replaced by permitted sweeteners; and
- (b) those products in respect of which a “reduced sugar” claim is made in accordance with the conditions laid down in Regulation (EC) No 1924/2006.

4. Apart from the ingredients mentioned in paragraph 1, the product must not contain anything else except that it may contain any one or more of the following—

- (a) an authorised additional ingredient; and
- (b) essential oils of citrus fruits.

5. Any raw materials used to manufacture the product in accordance with this Part that are mentioned in Schedule 2 must not have been treated except using an authorised treatment.

PART 7

Jelly marmalade

1. Jelly marmalade complies with all of the requirements for marmalade in Part 6 but it contains no insoluble matter except that it may contain small quantities of finely sliced peel.

PART 8

Sweetened chestnut purée

1. Sweetened chestnut purée is a mixture brought to a suitable consistency, of water, sugar and puréed chestnuts.

2. Not less than 380 grams of puréed chestnuts must be used for the manufacture of every 1,000 grams of the finished product.

3. The product must have a soluble dry matter content of 60% or more as determined by refractometer at 20°C except for—

- (a) those products in respect of which sugar have been wholly or partially replaced by permitted sweeteners; and
- (b) those products in respect of which a “reduced sugar” claim is made in accordance with the conditions laid down in Regulation (EC) No 1924/2006.

4. Apart from the ingredients mentioned in paragraph 1, the product must not contain anything else except that it may contain an authorised additional ingredient.

5. Any raw materials used to manufacture the product in accordance with this Part that are mentioned in Schedule 2 must not have been treated except using an authorised treatment.

6. In this Schedule “chestnuts” means the fruit of the sweet chestnut tree (*Castanea sativa*).

PART 9

“X” Curd

1. “X” Curd is an emulsion of edible fat or oil (or both), sugar, whole egg or egg yolk (or both), and any combination of fruit, fruit pulp, fruit purée, fruit juice, aqueous extract of fruit or essential oils of fruit, with or without other edible ingredients.

2. The quantity of fat and oil used for the manufacture of every 1,000 grams of the finished product must not be less than 40 grams.

3. The quantity of whole and egg yolk used for every 1,000 grams of the finished product must not be less than 6.5 grams of egg yolk solids.

4. The quantity of fruit, fruit pulp, fruit purée, fruit juice, aqueous extract of fruit, and essential oil of fruit must be sufficient to characterise the finished product.

5. The product must have a soluble dry matter content of 65% or more as determined by refractometer at 20°C except for—

- (a) those products in respect of which sugars have been wholly or partially replaced by permitted sweeteners; and
- (b) those products in respect of which a “reduced sugar” claim is made in accordance with the conditions laid down in Regulation (EC) No 1924/2006.

6. References to “X” in this paragraph must be read as if for “X” there was substituted—

- (a) the name of a particular kind of fruit;
- (b) the words “mixed fruit”; or
- (c) the word “fruit” preceded by an indication of the number of kinds of fruit used in the preparation of the product.

PART 10

Lemon cheese

1. Lemon cheese is a food conforming to the requirements in Part 9 appropriate for lemon curd.

PART 11

“Y” flavour curd

1. “Y” flavour curd is an emulsion of edible fat or oil (or both), sugar, whole egg or egg yolk (or both), and flavouring material with or without other edible ingredients.

2. The quantity of fat and oil used for the manufacture of every 1,000 grams of the finished product must not be less than 40 grams.

3. The quantity of whole egg and egg yolk used must be such that every 1,000 grams of the finished product contains not less than 6.5 grams of egg yolk solids.

4. The quantity of flavouring material used must be sufficient to characterise the product.

5. The product must have a soluble dry matter content of 65% or more as determined by refractometer at 20°C except for—

- (a) those products in respect of which sugars have been wholly or partially replaced by permitted sweeteners; and
- (b) those products in respect of which a “reduced sugar” claim is made in accordance with the conditions laid down in Regulation (EC) No 1924/2006.

6. References to “Y” in this Schedule must be read as if for “Y” there was substituted—

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

PART 12

Mincemeat

1. Mincemeat is a mixture of sweetening agents, vine fruits, citrus peel, suet or equivalent fat and vinegar or acetic acid, with or without other edible ingredients.

2. Not less than 300 grams of vine fruits and citrus peel must be used for the manufacture of every 1,000 grams of the finished product, of which not less than 200 grams must consist of vine fruits.

3. Not less than 25 grams of suet or equivalent fat must be used for the manufacture of every 1,000 grams of the finished product.

4. The product must have a soluble dry matter content of 65% or more as determined by refractometer at 20°C except for—

- (a) those products in respect of which sugars have been wholly or partially replaced by permitted sweeteners; and
- (b) those products in respect of which a “reduced sugar” claim is made in accordance with the conditions laid down in Regulation (EC) No 1924/2006.

5. In this Part—

“sweetening agents” means any one or more of the following—

- (a) any sugar product defined in the Annex to Directive 2001/111/EC relating to certain sugars intended for human consumption;
- (b) brown sugar;
- (c) cane molasses; or
- (d) honey; and

“vine fruits” means any one or more of the following fruits—

- (a) currants;
- (b) muscatels;
- (c) raisins; and
- (d) sultanas.

SCHEDULE 4

Regulation 10

Application and modifications of provisions of the Order

<i>Column 1</i> <i>Provision of the Order</i>	<i>Column 2</i> <i>Modifications</i>
Article 4 (presumptions that food intended for human consumption)	In paragraph (1), for “this Order” substitute “the Jam and Similar Products Regulations (Northern Ireland) 2018”.
Article 9(1) and (2) (improvement notices)	<p>For paragraph (1), substitute—</p> <p>“(1) If an authorised officer has reasonable grounds for believing that a person is failing to comply with any of regulations 4 to 8 of the Jam and Similar Products Regulations (Northern Ireland) 2018, he may, by a notice served on that person (in this order referred to as an “improvement notice”)—</p> <ul style="list-style-type: none"> (a) state the officer’s grounds for believing that the person is failing to comply with the relevant provision; (b) specify the matters which constitute the person’s failure so to comply; (c) specify the measures which, in the officer’s opinion, the person must take in order to secure compliance; and (d) require the person to take those measures, or measures that are at least equivalent to them, within such period as may be specified in the notice”.

Article 19 (offences due to fault of another person)	For “any of the preceding provisions of this Part” substitute “Article 9(2), as applied by regulation 10 and Schedule 4 of the Jam and Similar Products Regulations (Northern Ireland) 2018,”.
Article 20 (1) and (5) (defence of due diligence)	In paragraph (1), for “any of the preceding provisions of this Part” substitute “Article 9(2), as applied by regulation 10 and Schedule 4 of the Jam and Similar Products Regulations (Northern Ireland) 2018,”.
Article 30(8) (which relates to evidence of certificates given by a food analyst or examiner)	For “this Order” substitute “the Jam and Similar Products Regulations (Northern Ireland) 2018”.
Article 34 (obstruction etc of officers)	In paragraph (1), for “this Order” (in each place occurring) substitute “the Jam and Similar Products Regulations (Northern Ireland) 2018”.
Article 36(1) and (2) (punishment of offences)	In paragraph (1), after “Article 34(1)”, insert, “as applied and modified by regulation 10 of, and Schedule 4 to, the Jam and Similar Products Regulations (Northern Ireland) 2018,”. After paragraph (1), insert— “(1A) A person guilty of an offence under Article 9(2), as applied by regulation 10 of the Jam and Similar Products Regulations (Northern Ireland) 2018, shall be liable, on summary conviction, to a fine not exceeding level 5 on the standard scale.”. In paragraph (2)— (a) for “any other offence under this Order”, substitute “an offence under Article 34(2), as applied by regulation 10 of, and Schedule 4 to, the Jam and Similar Products Regulations (Northern Ireland) 2018,”; and (b) in paragraph (b), for “the relevant amount”, substitute “the statutory maximum.”
Article 37 (appeals)	For paragraph (1) substitute “Any person who is aggrieved by a decision of an authorised officer to serve an improvement notice under Article 9(1) as applied and modified by regulation 10 and Schedule 4 of the Jam and Similar Products Regulations (Northern Ireland) 2018 may appeal to a court of summary jurisdiction”.
Article 38 (appeals against improvement notices)	In paragraph (2A)(b) for “paragraph (1)(a)” substitute “paragraph (1)” In paragraphs (1) and (2), after “improvement notice” insert “under Article 9(1) as applied by regulation 10 and Schedule 4 of the Jam and Similar Products Regulations (Northern Ireland) 2018”

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations provide for the continuing implementation of Council Directive 2001/113/EC relating to fruit jams, jellies and marmalades and sweetened chestnut purée intended for human consumption (OJ No L 10, 12.1.2002, p. 67). They also retain existing national measures relating to curds, lemon cheese and mincemeat.

The Regulations—

- (a) regulate the use of the names “jam”, “extra jam”, “jelly”, “extra jelly”, “marmalade”, “jelly marmalade”, “sweetened chestnut purée”, “curd”, “lemon cheese” and “mincemeat”. Subject to an exception, those names may only be used if the requirements in the relevant part of Schedule 3 are met by the product (regulation 4 and Schedules 1, 2 and 3);
- (b) require the product name to indicate the kinds of fruits used to manufacture the product (regulation 5);
- (c) require the labelling of the product to indicate its fruit content (regulation 6);
- (d) require the labelling of the product to indicate its total sugar content (regulation 7);
- (e) make provision in relation to residual sulphur dioxide (regulation 8);
- (f) impose an obligation on district councils to enforce the Regulations (regulation 9);
- (g) apply certain provisions of the Food Safety (Northern Ireland) Order 1991 (S.I. 1991/762 (N.I.7) as amended). This includes the application of Article 9, enabling an improvement notice to be served to require compliance with specified provisions of these Regulations. The provisions, as applied, make the failure to comply with an improvement notice an offence (regulation 10 and Schedule 4); and
- (h) revoke the Jam and Similar Products Regulations (Northern Ireland) 2003 (S.R. 2003 No. 519) (regulation 11).

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