

2002 No. 61

FOOD

The Sweeteners in Food Amendment (Scotland) Regulations
2002

Made 14th February 2002

Laid before the Scottish Parliament 15th February 2002

Coming into force 15th March 2002

The Scottish Ministers, in exercise of the powers conferred by sections 16(1)(a) and (e), 17(1), 48(1) of, and paragraph 1 of Schedule 1 to, the Food Safety Act 1990(a), and of all other powers enabling them in that behalf, having had regard, in accordance with section 48(4A)(b) of that Act, to relevant advice given by the Food Standards Agency, and after consultation in accordance with section 48(4) and (4B)(c) of that Act, hereby make the following Regulations:

Citation, commencement and extent

1.—(1) These Regulations may be cited as the Sweeteners in Food Amendment (Scotland) Regulations 2002 and shall come into force on 15th March 2002.

(2) These Regulations extend to Scotland only.

Amendment of the Sweeteners in Food Regulations 1995

2. The Sweeteners in Food Regulations 1995(d) (“the principal Regulations”) shall be amended in accordance with regulations 3 and 4 below.

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

(a) in the definition of “Directive 95/31/EC(e)” for “and by Directive 2000/51 in so far as it relates to maltitol syrup” there shall be substituted “, Directive 2000/51(f) and Directive 2001/52/EC;”(g); 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—

(a) in the case of any sweetener other than sucralose, in the Annex to Directive 95/31/EC;

(a) 1990 c.16; sections 16(1) and 48(1) were amended by paragraph 8 of Schedule 5 to the Food Standards Act 1999 (c.28) (“the 1999 Act”), section 17(1) was amended by paragraphs 8 and 12 of Schedule 5 to the 1999 Act. Amendments made by Schedule 5 to the 1999 Act which extend to Scotland shall be taken as pre-commencement enactments for the purposes of the Scotland Act 1998 (c.46) by virtue of section 40(2) of the 1999 Act. The functions of the Secretary of State were transferred to the Scottish Ministers by virtue of section 53 of the Scotland Act 1998.

(b) Section 48(4A) was inserted by paragraph 21 of Schedule 5 to the Food Standards Act 1999.

(c) Section 48(4B) was inserted by paragraph 21 of Schedule 5 to the Food Standards Act 1999.

(d) S.I. 1995/3123, amended by S.I. 1996/1477, 1997/814, 1999/982 and S.S.I. 2001/212.

(e) O.J. No. L 178, 28.7.95, p.1.

(f) O.J. No. L 198, 4.8.00, p.41.

(g) O.J. No. L 190, 12.7.01, p.18.

- (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;"

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

St Andrew's House,
Edinburgh
14th February 2002

MARY MULLIGAN
Authorised to sign by the Scottish Ministers

SCHEDULE

PROVISIONS ADDED TO COLUMNS 2 TO 4 OF SCHEDULE 1 TO THE
PRINCIPAL REGULATIONS

Sucralose(a)	Non-alcoholic drinks	
	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-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
	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

(a) Authorised until 14th March 2004 in accordance with Article 5 of Directive 89/107/EEC (O.J. No. L 40, 11.2.89, p.27) pending consideration for inclusion in Directive 94/35/EC (O.J. No. L 237, 10.9.94, p.3).

Miscellaneous	
'Snacks': certain flavours of ready to eat, prepacked, dry, savoury starch products and coated nuts	400 mg/kg
Cornets and wafers, for ice-cream, with no added sugar	800 mg/kg
<i>Essoblaten</i>	800 mg/kg
Cocoa -, milk -, dried-fruit – or fat-based sandwich spreads, energy-reduced or with no added sugar	400 mg/kg
Drinks consisting of a mixture of non-alcoholic drink and beer, cider, perry, spirits or wine	250 mg/l
Cider and perry	250 mg/l
Alcohol-free beer or with an alcohol content not exceeding 1.2% vol	250 mg/l
'Bière de table/Tafelbier/Table beer' (original wort content less than 6%) except for 'Obergäriges Einfachbier'	250 mg/l
Beers with a minimum acidity of 30 milli-equivalents expressed as Na OH.	250 mg/l
Brown beers of the 'oud bruin' type	250 mg/l
Energy-reduced beer	10 mg/l
Spirit drinks containing less than 15% alcohol by volume	250 mg/l
Edible ices, energy-reduced or with no added sugar	320 mg/kg
Canned or bottled fruit, energy-reduced or with no added sugar	400 mg/kg
Energy-reduced jams, jellies and marmalades	400 mg/kg
Energy-reduced fruit and vegetable preparations	400 mg/kg
<i>Feinkostsalat</i>	140 mg/kg
Sweet-sour preserves of fruit and vegetables	180 mg/kg
Sweet-sour preserves and semi-preserves of fish and marinades of fish, crustaceans and molluscs	120 mg/kg
Sauces	450 mg/kg
Energy-reduced soups	45 mg/l
Mustard	140 mg/kg
Fine bakery products: energy-reduced or with no added sugar	700 mg/kg
Complete formulae for weight control intended to replace total daily food intake or an individual meal	320 mg/kg
Complete formulae and nutritional supplements for use under medical supervision	400 mg/kg
Liquid food supplements/dietary integrators	240 mg/kg

	Solid food supplements/dietary integrators	800 mg/kg
	Food supplements/diet integrators based on vitamins and/or mineral elements, syrup-type chewable	2400 mg/kg

EXPLANATORY NOTE

(This note is not part of the regulations)

These Regulations, which extend to Scotland only, further amend the Sweeteners in Food Regulations 1995.

The Regulations:–

- (a) bring 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 (O.J. No. L 190, 12.7.2001, p.18) to substitute new purity criteria for two permitted sweeteners, mannitol (E421) and acesulfame K (E950) (regulation 3(a)); and
- (b) grant 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 (O.J. No. L 40, 11.2.1989, p.27) (regulations 3(b) and 4). This authorisation will last for a maximum of two years, in which time EC-wide approval for sucralose must be sought.

Copies of the document referred to in regulation 3(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.

No regulatory impact assessment has been carried out in respect of these Regulations.

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