

2003 No. 293

FOOD

The Fruit Juices and Fruit Nectars (Scotland) Regulations
2003

Made 5th June 2003

Laid before the Scottish Parliament 6th June 2003

Coming into force 12th July 2003

The Scottish Ministers, in exercise of the powers conferred by sections 6(4), 16(1)(e), 17(1), 26(1) and (3) and 48(1) of the Food Safety Act 1990(a) and 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 the said Act, hereby make the following Regulations:

Citation, commencement and extent

1.—(1) These Regulations may be cited as the Fruit Juices and Fruit Nectars (Scotland) Regulations 2003 and shall come into force on 12th July 2003.

(2) These Regulations shall extend to Scotland only.

Interpretation

2.—(1) In these Regulations—

“the Act” means the Food Safety Act 1990;

“catering establishment” means a restaurant, canteen, club, public house, school, hospital or similar establishment (including a vehicle or a fixed or mobile stall) where, in the course of a business, food is prepared for delivery to the ultimate consumer and is ready for consumption without further preparation;

“designated product” means, subject to paragraph (2), any food specified in column 2 of Schedule 1;

“Directive 95/2/EC” means European Parliament and Council Directive 1995/2 on food additives other than colours and sweeteners(d);

“EEA Agreement” means the Agreement on the European Economic Area(e) signed at Oporto on 2nd May 1992 as adjusted by the Protocol(f) signed at Brussels on 17th March 1993;

“EEA State” means a State which is a Contracting Party to the EEA Agreement;

(a) 1990 c.16; section 6(4) was amended by the Deregulation and Contracting Out Act 1994 (c.40), Schedule 9, paragraph 6 and by the Food Standards Act 1999 (c.28) (“the 1999 Act”), Schedule 5, paragraph 10(3); sections 16(1) and 48(1) were amended by the 1999 Act, Schedule 5, paragraph 8; section 17(1) was amended by the 1999 Act, Schedule 5, paragraphs 8 and 12; section 26(3) was amended by the 1999 Act, Schedule 6; amendments made by Schedule 5 of the 1999 Act 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) O.J. No. L 61, 18.3.65, p.1; as last amended by Directive 98/72/EC (O.J. No. L 275, 4.11.98, p.18).

(e) O.J. No. L 1, 3.1.94, p.1.

(f) O.J. No. L 1, 3.1.94, p.571.

“preparation” includes manufacture and any form of processing or treatment, and “prepared” shall be construed accordingly;

“the 1996 Regulations” means the Food Labelling Regulations 1996(a);

“reserved description”, as respects any designated product, means any description specified in relation to that product in column 1 of Schedule 1 as read with the conditions which preface column 1 of Schedule 1;

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

“ultimate consumer” means any person who buys otherwise than—

- (a) for the purpose of resale;
- (b) for the purposes of a catering establishment; or
- (c) for the purposes of a manufacturing business.

- (2) A food described in column 2 of Schedule 1 is not a designated product if—
- (a) it has been prepared from any raw material other than those listed in Schedule 2;
 - (b) it contains any additional ingredient other than such as is authorised for the designated product in question in Schedule 3;
 - (c) being a fruit juice, concentrated fruit juice, fruit juice from concentrate, or dehydrated or powdered fruit juice, it has been prepared by adding—
 - (i) both sugars and lemon juice (whether concentrated or not); or
 - (ii) both sugars and acidifying agents as permitted by Directive 95/2/EC, to the same juice;
 - (d) it has been subjected to any treatment or contains any additional substance other than such as are specified in Schedule 4; and
 - (e) in the case of a fruit nectar, it does not contain the minimum juice or purée content specified in Schedule 5 as read with the Note to that Schedule.

Scope of Regulations

3. With the exception of regulation 5(2), these Regulations apply to designated products intended for human consumption and ready for delivery to the ultimate consumer or to a catering establishment.

Reserved descriptions

4. No person shall sell any food with a label, whether or not attached to or printed on the wrapper or container, which bears, comprises or includes any reserved description or any derivative thereof or any word or description substantially similar thereto unless—

- (a) such food is the designated product to which the reserved description relates;
- (b) such description, derivative or word is used in such a context as to indicate explicitly or by clear implication that the substance to which it relates is only an ingredient of that food; or
- (c) such description, derivative or word is used in such a context as to indicate explicitly or by clear implication that such food is not and does not contain a designated product.

Labelling and description of designated products

5.—(1) Without prejudice to the generality of Part II of the 1996 Regulations, no person shall sell any designated product unless it is marked or labelled with the following particulars:—

- (a) subject to paragraph (d)(i), a reserved description of the product;
- (b) in the case of a fruit juice, a concentrated fruit juice, a fruit juice from concentrate or a dehydrated or powdered fruit juice, which has been sweetened by the addition of sugars, there is added the word “sweetened” or the words “with added sugar”, to the reserved description for that product and such description or other name is followed by an indication (calculated as dry matter, and expressed in grams per litre) of the maximum quantity of sugar added;

(a) S.I. 1996/1499; the relevant amending instruments are S.I. 1998/1398, 1999/747, 1999/1136 and 1999/1483 and S.S.I. 2000/309.

- (c) in the case of a fruit juice, a concentrated fruit juice or a fruit juice from concentrate, to which there has been added pulp or cells other than, or in excess of, the pulp or cells originally extracted from that product, an indication of such addition;
- (d) in the case of—
 - (i) a mixture of fruit juice and fruit juice from concentrate and which is marked or labelled with the single reserved description “fruit juice” (or such other description as is required in place of the description “fruit juice” in accordance with the conditions which preface column 1 (reserved descriptions) of Schedule 1)); or
 - (ii) a fruit nectar obtained partly from one or more concentrated products, the words “partially made from concentrate” or, as the case may be, “partially made from concentrates”, such words to appear close to the reserved description, in letters that are clearly visible and easily distinguished from the background against which they appear;
- (e) in the case of a fruit nectar obtained wholly from one or more concentrated products, the words “made with concentrate” or, as the case may be, “made with concentrates”, such words to appear close to the reserved description, in letters that are clearly visible and easily distinguished from the background against which they appear;
- (f) in the case of a fruit nectar, an indication of the minimum amount of fruit juice, or fruit purée, or mixture of fruit juice and fruit purée, that it contains, with the words “fruit content:[x] % minimum” (there being substituted for “[x]” the appropriate figure) appearing in the same field of vision as the reserved description.

(2) No person shall sell a concentrated fruit juice not intended for delivery to the ultimate consumer, unless it bears an indication on its packaging, on a label attached to its packaging or in an accompanying document, of the presence and quantity in it of any—

- (a) added sugars;
- (b) added lemon juice; or
- (c) acidifying agents as permitted by Directive 95/2/EC.

Manner or marking or labelling

6. Regulations 35, 36(1) and (5) and 38 (which relate to the manner of marking or labelling of food) of the 1996 Regulations shall apply to the particulars with which a designated product is required to be marked or labelled by regulation 5 of these Regulations as if they were particulars with which food is required to be marked or labelled by the 1996 Regulations.

Penalties and enforcement

7.—(1) Any person who contravenes or fails to comply with regulations 4 and 5 of these Regulations shall be guilty of an offence.

(2) Any person found guilty of an offence under paragraph (1) shall be liable on summary conviction to a fine not exceeding level 5 on the standard scale.

(3) Each food authority shall enforce and execute these Regulations in its area.

Defence in relation to exports

8. In any proceedings for an offence under these Regulations it shall be a defence for the person charged to prove—

- (a) that the food in respect of which the offence is alleged to have been committed was intended for export to a country (other than an EEA State) which has legislation analogous to these Regulations and that the food complies with that legislation; and
- (b) in the case of export to an EEA State, that the legislation complies with the provisions of Council Directive 2001/112/EC relating to fruit juices and certain similar products intended for human consumption(a).

Transitional provision

9. In any proceedings for an offence under these Regulations it shall be a defence for the accused to prove that—

(a) O.J. No. L 10, 12.1.02, p.58, as adopted by EEA Joint Committee Decision 99/02 (O.J. No. L 298, 31.10.02, p.10).

- (a) the food concerned was marked or labelled before 12th July 2004; and
- (b) the matters constituting the alleged offence would not have constituted an offence under the Fruit Juices and Fruit Nectars (Scotland) Regulations 1977(a) if those Regulations had been in force when the food was marked or labelled.

Application of various provisions of the Food Safety Act 1990

10. The following provisions of the Act shall apply for the purposes of these Regulations with the modification that any reference in those provisions to the Act or Part thereof shall be construed for the purposes of these Regulations as a reference to these Regulations:–

- (a) section 2 (extended meaning of “sale”, etc.);
- (b) section 3 (presumption that food intended for human consumption);
- (c) section 20 (offences due to fault of another person);
- (d) section 21 (defence of due diligence) as it applies for the purposes of sections 8, 14 or 15 of the Act;
- (e) section 22 (defence of publication in the course of business);
- (f) section 30(8) (which relates to documentary evidence);
- (g) section 33 (obstruction etc. of officers);
- (h) section 35(1) to (3) (punishment of offences), insofar as it relates to offences under section 33(1) or (2) as applied by sub-paragraph (g);
- (i) section 36 (offences by bodies corporate);
- (j) section 36A (offences by Scottish partnerships); and
- (k) section 44 (protection of officers acting in good faith).

Amendments and revocations

11.—(1) The following entries relating to the Fruit Juices and Fruit Nectars (Scotland) Regulations 1977 shall be omitted:–

- (a) in the Food and Drugs (Scotland) Act 1956 (Transfer of Enforcement Functions) Regulations 1983(b), in Schedule 1;
- (b) in the Food (Revision of Penalties and Mode of Trial) (Scotland) Regulations 1985(c) in Schedules 1 and 2;
- (c) in the Food Safety Act 1990 (Consequential Modifications) (Scotland) Order 1990(d) in Schedule 1, Part I, Schedule 2, Schedule 3, Part II and Schedules 5 and 8;
- (d) in the Food Safety (Exports) Regulations 1991(e) in Schedule 2;
- (e) in the Food (Forces Exemptions) (Revocations) Regulations 1992(f) in the Schedule, Part II;
- (f) in the Miscellaneous Food Additives Regulations 1995(g), in regulation 10(6) and in Schedule 9;
- (g) in the Food (Miscellaneous Revocations and Amendments) Regulations 1995(h), in the Schedule;
- (h) in the 1996 Regulations, in regulation 49(1);
- (i) in the Miscellaneous Food Additives (Amendment) Regulations 1997(i), in regulation 12; and
- (j) in the Miscellaneous Food Additives (Amendment) Regulations 1999(j), in regulation 14(1).

(a) S.I. 1977/1026, amended by S.I. 1977/1833, 1981/1320, 1982/1619, 1983/270, 1985/1068, 1990/2625, 1991/1284 and 1476, 1992/2596, 1995/236, 3124, 3187 and 3267, 1996/1499, 1997/1413, and 1999/1136.

(b) S.I. 1983/270 to which there are amendments not relevant to these Regulations.

(c) S.I. 1985/1068 to which there are amendments not relevant to these Regulations.

(d) S.I. 1990/2625 to which there are amendments not relevant to these Regulations.

(e) S.I. 1991/1476 to which there are amendments not relevant to these Regulations.

(f) S.I. 1992/2596 to which there are amendments not relevant to these Regulations.

(g) S.I. 1995/3187, relevant amending instruments are S.I. 1997/1413 and 1999/1136.

(h) S.I. 1995/3267 to which there are amendments not relevant to these Regulations.

(i) S.I. 1997/1413.

(j) S.I. 1999/1136.

- (2)(a) In the Jam and Similar Products (Scotland) Regulations 1981(a), in each of Regulations 11(3) and 12(2C), for “the Fruit Juices and Fruit Nectars Regulations 1977” there shall be substituted “the Fruit Juices and Fruit Nectars (Scotland) Regulations 2003”;
- (b) in the Colours in Food Regulations 1995(b), in item 17 of Schedule 2, for “Directive 93/77/EEC” there shall be substituted “Directive 2001/112/EC”;
- (c) in the Miscellaneous Food Additives Regulations 1995, in Schedule 7–
- (i) for “Fruit juices and nectars as defined in Directive 93/77/EEC” there shall be substituted “Fruit juices and nectars as defined in Directive 2001/112/EC”;
 - (ii) for “Pineapple juice as defined in Directive 93/77/EEC” there shall be substituted “Pineapple juice as defined in Directive 2001/112/EC”;
 - (iii) for “Nectars as defined in Directive 93/77/EEC” there shall be substituted “Nectars as defined in Directive 2001/112/EC”;
 - (iv) for “Grape juice as defined in Directive 93/77/EEC” there shall be substituted “Grape juice as defined in Directive 2001/112/EC”;
 - (v) for “Fruit juices as defined in Directive 93/77/EEC” there shall be substituted “Fruit juices as defined in Directive 2001/112/EC”.

(3) The Fruit Juices and Fruit Nectars (Scotland) Regulations 1977, the Fruit Juices and Fruit Nectars (Scotland) Amendment Regulations 1977, the Fruit Juices and Fruit Nectars (Scotland) Amendment Regulations 1982(c) and (insofar as they extend to Scotland), the Fruit Juices and Fruit Nectars (England, Wales and Scotland) (Amendment) Regulations 1991(d) and the Fruit Juices and Fruit Nectars (England, Wales and Scotland) (Amendment) Regulations 1995(e) are hereby revoked.

TOM McCABE

Authorised to sign by the Scottish Ministers

St Andrew’s House,
Edinburgh
5th June 2003

(a) S.I. 1981/1320; relevant amending instrument is S.I. 1990/2180.
(b) S.I. 1995/3124, to which there are amendments not relevant to these Regulations.
(c) S.I. 1982/1619.
(d) S.I. 1991/1284.
(e) S.I. 1995/236.

SCHEDULE 1

RESERVED DESCRIPTIONS FOR DESIGNATED PRODUCTS

<i>Column 1</i> <i>Reserved Descriptions</i>	<i>Column 2</i> <i>Designated Products</i>
<p>In the descriptions listed in items 1 to 5 below–</p> <p>(a) if the product is manufactured from a single kind of fruit the name of that fruit shall be substituted for the word “fruit”;</p> <p>(b) subject to sub-paragraph (c), if the product is manufactured from two or more kinds of fruit (excluding the use of one or both of lemon juice or concentrated lemon juice where this is in accordance with the authorisation described in paragraph 5 of Schedule 3) the reserved description shall be supplemented by the names of the fruits used, in descending order of the volume (calculated as unconcentrated juice or purée) of the juice or purée included from each kind of fruit;</p> <p>(c) if the product is manufactured from three or more kinds of fruit, then the reserved description may, as an alternative to sub-paragraph (b), be supplemented by the words “several fruits” or by similar wording, or by the number of the kinds of fruit used.</p>	<p>1. Fruit juice</p> <p>The fermentable but unfermented product obtained from fruit which is sound and ripe, fresh or preserved by chilling, 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 and where–</p> <p>(a) flavour, pulp and cells from the juice which are separated during processing may be restored to the same juice;</p> <p>(b) in the case of citrus fruits other than limes, the juice must come from the endocarp; and</p>

<i>Column 1</i> <i>Reserved Descriptions</i>	<i>Column 2</i> <i>Designated Products</i>
2. Concentrated fruit juice	<p>(c) in the case of limes, the juice may be obtained from the whole fruit, by suitable production processes whereby the proportion of constituents of the outer part of the fruit is reduced to a minimum.</p> <p>The product obtained from fruit juice of one or more kinds by the physical removal of a specific proportion of its water content. Where the product is intended for direct consumption the proportion of water content removed must be at least 50%.</p>
3. Fruit juice from concentrate	<p>The product obtained by replacing, in concentrated fruit juice, water extracted from that juice during concentration, and by restoring the flavours and, if appropriate, pulp and cells lost from the juice but recovered during the process of producing the fruit juice in question or fruit juice of the same kind and where—</p> <p>(a) the water added must display such chemical, microbiological, organoleptic and, if appropriate, other characteristics as will guarantee the essential qualities of the juice; and</p> <p>(b) the product must display organoleptic and analytical characteristics at least equivalent to those of an average type of fruit juice obtained from fruit or fruits of the same kind.</p>
4. Dehydrated or powdered fruit juice	<p>The product obtained from fruit juice of one or more kinds by the physical removal of virtually all of its water content.</p>
5. Fruit nectar	<p>The fermentable but unfermented product obtained by adding water and (in an amount not exceeding 20% of the total weight of the finished product) any one or more of—</p> <p>(a) sugars;</p>

<i>Column 1</i> <i>Reserved Descriptions</i>	<i>Column 2</i> <i>Designated Products</i>
	<p>(b) sweeteners; or</p> <p>(c) honey,</p> <p>to-</p> <p>(i) fruit juice;</p> <p>(ii) concentrated fruit juice;</p> <p>(iii) fruit juice from concentrate;</p> <p>(iv) dehydrated fruit juice;</p> <p>(v) powdered fruit juice;</p> <p>(vi) a fruit purée; or</p> <p>(vii) to any mixture of products in (i) to (vi) above,</p> <p>such product to meet the minimum content requirement (as to fruit juice, fruit purée, or a mixture of such juice and purée) specified in Schedule 5, and where sweeteners are also used their use is to be in accordance with the requirements of Directive 94/35/EC of the European Parliament and of the Council on sweeteners for use in foodstuffs^(a).</p> <p>Where the kind of fruit used is any one or more of apricots or the fruits listed in Part II and III of Schedule 5, the product may be manufactured without the addition of any sugars, sweeteners or honey.</p>

(a) O.J. No. L 237, 10.9.94, p.3, as amended by Directive 96/83/EC (O.J. No. L 48, 19.2.97, p.16).

SCHEDULE 2

PERMITTED RAW MATERIALS IN PREPARATION OF DESIGNATED PRODUCTS

1. Fruit, of any kind other than tomatoes.
2. Fruit purée, being the fermentable but unfermented product obtained by sieving the edible part of whole or peeled fruit without removing the juice.
3. Concentrated fruit purée, being the product obtained from fruit purée by the removal of a specific proportion of its water content.
4. Sugars, being–
 - (a) in the preparation of fruit nectars–
 - (i) sugars as defined in Council Directive 2001/111/EC relating to certain sugars intended for human consumption**(a)**;
 - (ii) fructose syrup;
 - (iii) sugars derived from fruits;
 - (b) in the preparation of fruit juice from concentrate–
 - (i) sugars as defined in Council Directive 2001/111/EC relating to certain sugars intended for human consumption;
 - (ii) fructose syrup;
 - (c) in the preparation of fruit juice any sugar permitted in paragraph (b) above in respect of fruit juice from concentrate provided the sugar contains less than 2% water.
5. Honey, being the product defined as “honey” in Council Directive 2001/110/EC relating to honey**(b)**.
6. Pulp or cells, being–
 - (a) in respect of citrus fruit, the juice sacs obtained from the endocarp;
 - (b) in respect of any other fruit, the products obtained from the edible parts of the fruit without removing the juice.

(a) O.J. No. L 10, 12.1.2002, p.53.

(b) O.J. No. L 10, 12.1.2002, p.47, as adopted by EEA Joint Committee Decision 99/02 (O.J. No. L 298, 31.10.02, p.10).

SCHEDULE 3

ADDITIONAL INGREDIENTS PERMITTED IN PARTICULAR DESIGNATED PRODUCTS

1. In any designated product, vitamins and minerals may be added.
2. In any designated product, any substance permitted pursuant to Council Directive 89/107/EEC on the approximation of the laws of Member States concerning food additives authorised for use in foodstuffs intended for human consumption^(a) may be added.
3. In grape juice, salts of tartaric acids may be restored.
4. In fruit juice, concentrated fruit juice, fruit juice from concentrate, and dehydrated or powdered fruit juice, other than any prepared from grapes or pears, sugars may be added—
 - (a) for the purpose of regulating acidic taste, in an amount (expressed as dry matter) not exceeding 15 g per litre of the juice;
 - (b) for the purpose of sweetening, in an amount (expressed as dry matter) not exceeding 150 g per litre of the juice,provided that the total amount of such added sugars for either purpose does not exceed 150 g per litre of the juice.
5. In any designated product, for the purpose of regulating acidic taste—
 - (a) lemon juice;
 - (b) concentrated lemon juice; or
 - (c) both lemon juice and concentrated lemon juice,(expressed as anhydrous citric acid) may be added, the total amount of such added juice not to exceed 3 g per litre of the product.
6. In any designated product, carbon dioxide may be added.

(a) O.J. No. L 40, 11.2.89, p.27.

SCHEDULE 4

PERMITTED TREATMENTS AND ADDITIONAL SUBSTANCES

Treatments

1. Mechanical extraction processes.
2. The usual physical processes (being those included in that description in Annex I, Part II, point 2, to Council Directive 2001/112/EC^(a) relating to fruit juices and certain similar products intended for human consumption) and including, in the production of concentrated fruit juice other than that produced from grapes, in-line water extraction, or diffusion, of the edible parts of the fruit.
3. In the production of grape juice where sulfitation of the grapes with sulphur dioxide has been used, desulfitation by physical means, provided that the total quantity of sulphur dioxide in the finished grape juice does not exceed 10 mg per litre of the juice.

Additional substances

4. Pectolytic enzymes.
5. Proteolytic enzymes.
6. Amylolytic enzymes.
7. Edible gelatine.
8. Tannins.
9. Bentonite.
10. Silicon aerogel.
11. Charcoal.
12. Chemically inert filtration adjuvant and precipitation agents, including perlite, washed diatomite, cellulose, insoluble polyamide, polyvinylpyrrolidone, and polystyrene, which comply with the Community Directives on materials and articles intended to come into contact with foodstuffs^(b).
13. Chemically inert adsorption adjuvants which comply with the Community Directives 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 of such juice.

(a) O.J. No. L 10, 12.1.02, p.58, as adopted by EEA Joint Committee Decision 99/02 (O.J. No. L 298, 31.10.02, p.10).

(b) The Directives are Council Directive 89/109/EEC on the approximation of the laws of the member States relating to materials and articles intended to come into contact with foodstuffs (O.J. No. L 40, 11.2.89, p.38) and Commission Directive 2002/72/EC relating to plastic materials and articles intended to come into contact with foodstuffs (O.J. No. L 220, 15.8.02, p.18).

SCHEDULE 5

MINIMUM JUICE AND PUREE CONTENT OF FRUIT NECTARS

	<i>Minimum juice, purée or juice and purée content (% by volume of finished product)</i>
I. Fruit nectars made from fruits with acidic juice unpalatable in the natural state	
Passion fruit	25
Quito naranjillos	25
Blackcurrants	25
Whitecurrants	25
Redcurrants	25
Gooseberries	30
Sallow–thorn 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. Fruit nectars made from low–acid, pulpy or highly flavoured fruits with juice unpalatable in the natural state	
Mangoes	25
Bananas	25
Guavas	25

	<i>Minimum juice, purée or juice and purée content (% by volume of finished product)</i>
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. Fruit nectars made from fruits with juice palatable in the natural state	
Apples	50
Pears	50
Peaches	50
Citrus fruits except lemons and limes	50
Pineapples	50
Other fruits belonging to this category	50

Note:

In the case of a product prepared from a mixture of types of fruit, this Schedule shall be read as if the minimum quantities specified for the various kinds of fruit referred to were reduced in proportion to the relative quantities of the kinds of fruit used.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations, which extend to Scotland only, implement Council Directive 2001/112/EC relating to fruit juices and certain similar products intended for human consumption (O.J. No. L 10, 12.1.2002, p.58). They revoke and replace the Fruit Juices and Fruit Nectars (Scotland) Regulations 1977 (S.I. 1977/1026), as amended.

The Regulations—

- (a) prescribe definitions and reserved descriptions for fruit juices and certain similar products (regulation 2 and Schedule 1);
- (b) provide for the Regulations to apply to such fruit juices and similar products intended for human consumption and ready for delivery to the ultimate consumer or to a catering establishment (regulation 3) and also to include concentrated fruit juices not intended for delivery to the ultimate consumer (regulation 5(2));
- (c) restrict the use of reserved descriptions to the fruit juices and similar products to which they relate (regulation 4);
- (d) prescribe labelling requirements for such products (regulation 5);
- (e) prescribe the manner of marking or labelling and apply specified provisions of the Food Labelling Regulations 1996 (S.I. 1996/1499) (regulation 6);
- (f) specify a penalty, enforcement authorities and, in accordance with articles 2 and 3 of Council Directive 89/397/EEC on the official control of food stuffs (O.J. No. L 186, 30.6.89 p.23), a defence in relation to exports (regulations 7 and 8);
- (g) make transitional provisions (regulation 9);
- (h) apply various provisions of the Food Safety Act 1990 (regulation 10);
- (i) revoke the previous Regulations and make consequential amendments (regulation 11);
- (j) prescribe the raw ingredients and additional ingredients for such products (Schedules 2 and 3);
- (k) prescribe permitted additional treatments and substances for such products (Schedule 4); and
- (l) prescribe minimum juice and puree content of fruit nectars (Schedule 5).

A Regulatory Impact Assessment has been prepared and placed in the Scottish Parliament Information Centre. Copies may be obtained from the Food Standards Agency, 6th Floor, St Magnus House, 25 Guild Street, Aberdeen AB11 6NJ.

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