
STATUTORY INSTRUMENTS

2003 No. 3120

The Jam and Similar Products (England) Regulations 2003

Title, application and commencement

1. These Regulations may be cited as the Jam and Similar Products (England) Regulations 2003; they apply in relation to England only and come into force on 31st December 2003.

Interpretation

2.—(1) In these Regulations—

“the Act” means the Food Safety Act 1990;

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“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;

“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;

“chestnut” means the fruit of the sweet chestnut tree (*Castanea sativa*);

“Directive 2001/113” means Council Directive 2001/113/EC(1) relating to fruit jams, jellies and marmalades and sweetened chestnut purée intended for human consumption;

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“food authority” does not include—

- (a) the council of a district in a non-metropolitan county in England except where the county functions have been transferred to that council pursuant to a structural change; or
- (b) the appropriate Treasurer referred to in section 5(1)(c) of the Act (which deals with the Inner Temple and the Middle Temple);

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“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 peel, skin, seeds or pips, as appropriate, 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 peel, skin, seeds or pips, as appropriate, which has been reduced to a purée by being sieved or subjected to a similar process;

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

“ingredient” has the meaning assigned to it by [^{F3}Article 2(2)(f) of Regulation (EU) No 1169/2011];

“labelling” has the meaning assigned to it by [^{F4}Article 2(2)(j) of Regulation (EU) No 1169/2011];

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“permitted additional ingredient” means an ingredient described in paragraph 1 of Schedule 2 which is used as specified in that paragraph;

[^{F5}“permitted sweetener” means any sweetener in so far as its use is permitted in specified jam or similar product by [^{F6}Regulation (EC) No 1333/2008 of the European Parliament and of the Council on food additives]];

“preparation” includes manufacture and any form of processing or treatment;

[^{F7}“Regulation (EU) No 1169/2011” means Regulation (EU) No 1169/2011 of the European Parliament and of the Council on the provision of food information to consumers [^{F8}, as last amended by [Regulation \(EU\) 2015/2283](#) of the European Parliament and of the Council on novel foods];]

“reserved description”, as regards any specified jam or similar product means any description specified in relation to that product in column 1 of Schedule 1 as read with the Notes relating to that Schedule;

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

“specified jam or similar product” means, subject to paragraph (2), any composition of food specified in column 2 of Schedule 1 as read with the Notes relating to that Schedule;

“sugars” means a sugar product defined in the Annex to Council Directive [2001/111/EC](#) relating to certain sugars intended for human consumption(2), fructose syrup, sugar extracted from fruit or brown sugar or any combination thereof;

“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;

“vine fruits” means muscatels, raisins, sultanas or currants.

(2) A food described in column 2 of any items 1 to 7 of Schedule 1 is not a specified jam or similar product within the meaning of these Regulations if—

- (a) it contains any additional ingredient other than a permitted additional ingredient;
- (b) any raw material, to which paragraphs 2 to 4 of Schedule 2 refer, used in the preparation of that food has been subjected to any treatment other than a treatment authorised by those paragraphs.

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

(2) OJ No. L10, 12.1.2002, p. 53.

Textual Amendments

- F1** Words in reg. 2(1) omitted (1.6.2018) by virtue of [The Environment, Food and Rural Affairs \(Miscellaneous Amendments\) \(England\) Regulations 2018 \(S.I. 2018/575\)](#), regs. 1(2), **19(2)(a)**
- F2** Words in reg. 2(1) omitted (17.6.2021) by virtue of [The Food \(Amendment and Transitional Provisions\) \(England\) Regulations 2021 \(S.I. 2021/616\)](#), regs. 1(1), **3(2)**
- F3** Words in reg. 2(1) substituted (1.6.2018) by [The Environment, Food and Rural Affairs \(Miscellaneous Amendments\) \(England\) Regulations 2018 \(S.I. 2018/575\)](#), regs. 1(2), **19(2)(b)**
- F4** Words in reg. 2(1) substituted (1.6.2018) by [The Environment, Food and Rural Affairs \(Miscellaneous Amendments\) \(England\) Regulations 2018 \(S.I. 2018/575\)](#), regs. 1(2), **19(2)(c)**
- F5** Words in reg. 2(1) substituted (20.1.2010) by [The Food Additives \(England\) Regulations 2009 \(S.I. 2009/3238\)](#), regs. 1, **18(5)(a)**
- F6** Words in reg. 2(1) substituted (1.6.2018) by [The Environment, Food and Rural Affairs \(Miscellaneous Amendments\) \(England\) Regulations 2018 \(S.I. 2018/575\)](#), regs. 1(2), **19(2)(d)**
- F7** Words in reg. 2(1) inserted (1.6.2018) by [The Environment, Food and Rural Affairs \(Miscellaneous Amendments\) \(England\) Regulations 2018 \(S.I. 2018/575\)](#), regs. 1(2), **19(2)(e)**
- F8** Words in reg. 2(1) inserted (29.3.2019) by [The Environment, Food and Rural Affairs \(Miscellaneous Amendments etc.\) Regulations 2019 \(S.I. 2019/526\)](#), regs. 1(2), **26(2)**

Scope of Regulations

3.—(1) Subject to paragraphs (2) and (3) these Regulations apply to specified jam or similar products, intended for human consumption and ready for delivery to the ultimate consumer or to a catering establishment.

(2) These Regulations do not apply to any specified jam or similar product intended for the manufacture of fine bakery wares, pastries or biscuits.

^{F9}(3)

Textual Amendments

- F9** Reg. 3(3) omitted (17.6.2021) by virtue of [The Food \(Amendment and Transitional Provisions\) \(England\) Regulations 2021 \(S.I. 2021/616\)](#), regs. 1(1), **3(3)** (with reg. 6(2))

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 specified jam or similar 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 is used in addition to the name of the food and in accordance with practices used to designate other products which cannot be confused with those defined in column 2 of Schedule 1.

Labelling and description of specified jam products

5.—(1) ^{F10}... no person shall sell any specified jam or similar product unless it is marked or labelled with the following particulars—

- (a) the reserved description of the product;
- (b) where any specified jam or similar product has a residual sulphur dioxide content of more than 10 milligrams per kilogram, then, in addition to any particular required to be identified in a list of ingredients by ^{F11}Regulation (EU) No 1169/2011], that residual content shall be identified in the list of ingredients according to the percentage by weight of the residue in the product as “sulphur dioxide”.
- (2) ^{F12}... no person shall sell any product specified at items 1–7 of Schedule 1 unless it is marked or labelled with the following particulars—
- (a) in the case—
- (i) of a product prepared from a single type of fruit, an indication of that type of fruit;
- (ii) of a product prepared from two types of fruit, an indication of those types of fruit in descending order of the weight of the fruit pulp, fruit purée, fruit juice, fruit peel and aqueous extract of fruit used in the preparation of the product; and
- (iii) of a product prepared from three or more types of fruit, an indication of those types of fruit in descending order of the weight of the fruit pulp, fruit purée, fruit juice, fruit peel and aqueous extract of fruit used in the preparation of the product or alternatively the words “mixed fruit” or similar wording or the number of types of fruit used in the preparation of the product;
- (b) an indication of the proportion of fruit used in the preparation of the product in the form “prepared with Xg of fruit per 100 g”, there being inserted in place of “X” 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;
- (c) except where a nutritional claim as regards sugar content is made and the product is marked or labelled, as regards sugar content, with the prescribed nutrition labelling as set out in ^{F13}Articles 30 to 35 of Regulation (EU) No 1169/2011], an indication of the total sugar content in the form “total sugar content: Yg per 100 g”, there being inserted in place of “Y” the content in grams of soluble solids in each hundred grams of the product, determined by refractometer at 20°C, the content shown being accurate to ±3 refractometric degrees.
- (3) The particulars with which the product is required to be marked or labelled in accordance with paragraph 2(b) and (c) shall appear in the labelling of the food in the same field of vision as the name of the product and in clearly visible characters.

Textual Amendments

- F10** Words in reg. 5(1) omitted (1.6.2018) by virtue of [The Environment, Food and Rural Affairs \(Miscellaneous Amendments\) \(England\) Regulations 2018 \(S.I. 2018/575\)](#), regs. 1(2), **19(3)(a)(i)**
- F11** Words in reg. 5(1)(b) substituted (1.6.2018) by [The Environment, Food and Rural Affairs \(Miscellaneous Amendments\) \(England\) Regulations 2018 \(S.I. 2018/575\)](#), regs. 1(2), **19(3)(a)(ii)**
- F12** Words in reg. 5(2) omitted (1.6.2018) by virtue of [The Environment, Food and Rural Affairs \(Miscellaneous Amendments\) \(England\) Regulations 2018 \(S.I. 2018/575\)](#), regs. 1(2), **19(3)(b)(i)**
- F13** Words in reg. 5(2)(c) substituted (1.6.2018) by [The Environment, Food and Rural Affairs \(Miscellaneous Amendments\) \(England\) Regulations 2018 \(S.I. 2018/575\)](#), regs. 1(2), **19(3)(b)(ii)**

Manner of marking or labelling

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Textual Amendments

F14 Reg. 6 omitted (1.6.2018) by virtue of [The Environment, Food and Rural Affairs \(Miscellaneous Amendments\) \(England\) Regulations 2018 \(S.I. 2018/575\)](#), regs. 1(2), **19(4)**

Penalties and enforcement

7.—(1) Any person who contravenes or fails to comply with regulation 4 or 5 of these Regulations shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding level 5 on the standard scale.

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

Defence in relation to exports

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Textual Amendments

F15 Reg. 8 revoked (1.1.2006) by [The Official Feed and Food Controls \(England\) Regulations 2005 \(S.I. 2005/2626\)](#), reg. 1(b), **Sch. 6 Pt. 2**

Application of various provisions of the Act

9. 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 any Part thereof shall be construed as a reference to these Regulations—

- (a) section 2 (extended meaning of sale etc.);
- (b) section 3 (presumption that food is 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 section 8, 14 or 15 of the Act;
- (e) section 22 (defence of publication in the course of a business);
- (f) section 30(8) (which relates to documentary evidence);
- (g) section 33(1) (obstruction etc of officers);
- (h) section 33(2), with the modification that the reference to “any such requirement as is mentioned in subsection (1)(b) above” shall be deemed to be a reference to any such requirement as is mentioned in section 33(1)(b) as applied by sub-paragraph (g) above;
- (i) section 35(1) (punishment of offences), insofar as it relates to offences under section 33(1) as applied by sub-paragraph (g) above;
- (j) section 35(2) and (3) insofar as it relates to offences under section 33(2) as applied by sub-paragraph (h) above;
- (k) section 36 (offences by bodies corporate); and
- (l) section 44 (protection of officers acting in good faith).

Amendments and revocations

10.—(1) The Jam and Similar Products Regulations 1981⁽³⁾ and the Jam and Similar Products (Amendment) Regulations 1990⁽⁴⁾, insofar as each applies in relation to England, are revoked.

(2) The following entries relating to the Jam and Similar Products Regulations 1981 shall (insofar as the following Regulations apply in relation to England) be omitted—

- (a) in the Food (Revision of Penalties) Regulations 1982⁽⁵⁾, in Schedule 1;
- (b) in the Food (Revision of Penalties) Regulations 1985⁽⁶⁾, in Schedule 1, Part I;
- (c) in the Food Safety Act 1990 (Consequential Modifications) (England and Wales) Order 1990⁽⁷⁾, in Schedule 1, Part I, Schedule 3, Part I and Schedule 6;
- (d) in the Food Safety (Exports) Regulations 1991⁽⁸⁾, in Schedule 1, Part 1;
- (e) in the Food (Forces Exemptions) (Revocations) Regulations 1992⁽⁹⁾, in Part 1 of the Schedule;
- (f) in the Food Labelling Regulations 1996⁽¹⁰⁾ in Schedule 9.

(3) In the Miscellaneous Food Additives Regulations 1995⁽¹¹⁾ (insofar as they apply in relation to England), in Schedules 2, 3 and 7 for the words “Directive 79/693/EEC” in each place where they appear there shall be substituted the words “Directive 2001/113/EC relating to fruit jams, jellies and marmalades and sweetened chestnut purée intended for human consumption”.

Transitional provisions

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

- (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 Jam and Similar Products Regulations 1981 as they stood immediately before the coming into force of these Regulations.

Signed by authority of the Secretary of State for Health

Melanie Johnson
Parliamentary Under-Secretary of State,
Department of Health

(3) S.I.1981/1063 as amended by S.I. 1982/1727, S.I. 1985/67, S.I. 1988/2112, S.I. 1990/2085, S.I. 1990/2486, S.I. 1991/1476, S.I. 1992/2596, S.I. 1995/3123, S.I. 1995/3124, S.I. 1995/3187, 1995/1499 and S.I. 1998/1398.
(4) S.I. 1990/2085.
(5) S.I. 1982/1727.
(6) S.I. 1985/67.
(7) S.I. 1990/2486.
(8) S.I. 1991/1476.
(9) S.I. 1992/2596.
(10) S.I. 1996/1499.
(11) S.I. 1995/3187.

Changes to legislation:

There are currently no known outstanding effects for the The Jam and Similar Products (England) Regulations 2003.