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WELSH STATUTORY INSTRUMENTS

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**2013 No. 2750**

**The Fruit Juices and Fruit Nectars (Wales) Regulations 2013**

**Title, application, commencement and expiry**

1.—(1) The title of these Regulations is the Fruit Juices and Fruit Nectars (Wales) Regulations 2013 and they apply in relation to Wales.

(2) These Regulations come into force on 20 November 2013.

(3) Regulation 15 ceases to have effect on 13 December 2014.

**Definitions of “fruit juice” and similar products**

2.—(1) In these Regulations “fruit juice” (“*sudd ffrwythau*”) means (unless the context otherwise requires) a product that complies with the specification in Schedule 2.

(2) In these Regulations—

(a) “fruit juice from concentrate” (“*sudd ffrwythau o ddwysfwd*”) means a product that complies with the specification in Schedule 3;

(b) “concentrated fruit juice” (“*sudd ffrwythau wedi ei ddwysï;½u*”) means a product that complies with the specification in Schedule 4;

(c) “water extracted fruit juice” (“*sudd ffrwythau y tynnwyd dŵr ohono*”) means a product that complies with the specification in Schedule 5; and

(d) “dehydrated fruit juice” (“*sudd ffrwythau dadhydredig*”) or “powdered fruit juice” (“*sudd ffrwythau powdr*”) means a product that complies with the specification in Schedule 6.

(3) In these Regulations “fruit nectar” (“*neithdar ffrwythau*”) means a product that complies with the specification in Schedule 7.

**General interpretation**

3.—(1) In these Regulations—

“the Act” (“*y Ddeddf*”) means the Food Safety Act 1990;

“authorised additional ingredient” (“*cynhwysyn ychwanegol awdurdodedig*”) means an additional ingredient listed in Schedule 8;

“authorised additional substance” (“*sylwedd ychwanegol awdurdodedig*”) means an additional substance listed in Schedule 9;

“authorised treatment” (“*triniaeth awdurdodedig*”) means a treatment listed in Schedule 10;

“concentrated fruit puri;½e” (“*piwri;½ ffrwythau wedi ei ddwysï;½u*”) means the product obtained from fruit puri;½e by the removal of a specific proportion of its water content, and in respect of which, if flavour has been restored to it, such flavour has been recovered from the same species of fruit;

“Directive 2001/112/EC” (“*Cyfarwyddeb 2001/112/EC*”) means Council Directive 2001/112/EC relating to fruit juices and certain similar products intended for human consumption<sup>M1</sup>;

“flavour” (“*blas*”), except in paragraph 1 of Schedule 2 and Part 2 of Schedule 7, means flavour for restoration—

- (a) that is obtained during the processing of fruit by applying suitable physical processes (including squeezing, extraction, distillation, filtration, adsorption, evaporation, fractionation and concentration) to obtain, retain, preserve or stabilise the flavour quality, and
- (b) that is cold-pressed oil from citrus peel or compounds from the stones of fruit or obtained from the edible parts of the fruit ;

“fruit” (“*ffrwyth*”, “*ffrwythau*”) means any kind of fruit (including tomatoes) that is sound, appropriately mature and fresh or preserved by—

- (a) physical means, or
- (b) a treatment, including a post-harvest treatment;

“fruit  $\frac{1}{2}$ e” (“*piwrŷ ½ ffrwythau*”) means the fermentable but unfermented product obtained by suitable physical processes such as sieving, grinding or milling the edible part of whole or peeled fruit without removing the juice;

“honey” (“*miŷ ½ l*”) has the meaning given in point 1 of Annex I to Council Directive [2001/110/EC](#) relating to honey <sup>M2</sup>;

“in trade” (“*mewn masnach*”) has the same meaning as in Directive [2001/112/EC](#) and cognate expressions are to be construed accordingly;

“pulp or cells” (“*mwydion neu gelloedd*”) means—

- (a) in respect of citrus fruit, the juice sacs obtained from the endocarp, or
- (b) in respect of any other fruit, the products obtained from the edible parts of the fruit without removing the juice;

“Regulation 1935/2004” (“*Rheoliad 1935/2004*”) means Regulation (EC) No 1935/2004 of the European Parliament and of the Council on materials and articles intended to come into contact with food and repealing Directives [80/590/EEC](#) and [89/109/EEC](#)<sup>M3</sup>;

“Regulation 1333/2008” (“*Rheoliad 1333/2008*”) means Regulation (EC) No 1333/2008 of the European Parliament and of the Council on food additives <sup>M4</sup>;

“regulated product” (“*cynnyrch rheoleiddiedig*”) means any of the following—

- (a) a fruit juice;
- (b) a fruit juice from concentrate;
- (c) a concentrated fruit juice;
- (d) a water extracted fruit juice;
- (e) a dehydrated fruit juice;
- (f) a powdered fruit juice;
- (g) a fruit nectar; and

“sugars” (“*siwgrau*”) means any of the following—

- (a) sugars as defined by Council Directive [2001/111/EC](#) relating to certain sugars intended for human consumption <sup>M5</sup>;
- (b) fructose syrup;
- (c) sugars derived from fruits.

(2) Any other expression not defined in these Regulations and used in these Regulations and Directive [2001/112/EC](#) has the same meaning in these Regulations as in that Directive.

(3) In these Regulations, any reference to an EU instrument listed in Schedule 1 is a reference to that instrument as amended from time to time.

#### **Marginal Citations**

- M1** OJ No. L 10, 12.1.2002, p.58, last amended by Directive 2012/12/EU of the European Parliament and of the Council (OJ No. L 115, 27.4.2012, p.1).
- M2** OJ No. L 10, 12.1.2002, p.47, as read with the corrigendum published in OJ No L 52, 21.2.2007, p.16.
- M3** OJ No. L 338, 13.11.2004, p.4, last amended by Regulation (EC) No 596/2009 of the European Parliament and of the Council (OJ No. L 188, 18.7.2009, p.14).
- M4** OJ No L 354, 31.12.2008, p.16, last amended by Commission Regulation (EU) No 913/2013 (OJ No. L 252, 24.9.2013, p.11).
- M5** OJ No. L 10, 12.1.2002, p.53, to which there are corrigenda not relevant to the English version of the Directive.

#### **Use of the name fruit juice**

4.—(1) A person trading in a fruit juice must use the name “[x] juice” as the name of the product with the relevant name of the fruit from which the juice comes substituting “[x]” in accordance with regulation 10.

(2) But paragraph (1) does not prevent a name listed in column 2 of Schedule 11 being used as the name of a fruit juice provided that—

- (a) the name is in the language provided for in column 2 of that Schedule, and
- (b) the fruit juice meets the requirements of the corresponding product description in column 3 of that Schedule.

(3) A person must not use the name “fruit juice”, or “juice” together with the name of a fruit, in trade, as the name of a product if the product is not fruit juice.

#### **Use of the name fruit juice from concentrate**

5.—(1) A person trading in a fruit juice from concentrate must use the name “[x] juice from concentrate” as the name of the product with the relevant name of the fruit from which the juice comes substituting “[x]” in accordance with regulation 10.

(2) A person must not use the name “fruit juice from concentrate”, or “juice from concentrate” together with the name of a fruit, in trade, as the name of a product if the product is not fruit juice from concentrate.

#### **Use of the name concentrated fruit juice**

6.—(1) A person trading in a concentrated fruit juice must use the name “concentrated [x] juice” as the name of the product with the relevant name of the fruit from which the juice comes substituting “[x]” in accordance with regulation 10.

(2) A person must not use the name “concentrated fruit juice”, or “concentrated juice” together with the name of a fruit, in trade, as the name of a product if the product is not concentrated fruit juice.

#### **Use of the name water extracted fruit juice**

7.—(1) A person trading in a water extracted fruit juice must use the name “water extracted [x] juice” as the name of the product with the relevant name of the fruit from which the juice comes substituting “[x]” in accordance with regulation 10.

(2) A person must not use the name “water extracted fruit juice”, or “water extracted juice” together with the name of a fruit, in trade, as the name of a product if the product is not water extracted fruit juice.

### **Use of the name dehydrated fruit juice and powdered fruit juice**

**8.—**(1) A person trading in a product that complies with the specifications in Schedule 6 must use the name “dehydrated [x] juice” or “powdered [x] juice” as the name of the product with the relevant name of the fruit from which the juice comes substituting “[x]” in accordance with regulation 10.

(2) A person must not use the name “dehydrated fruit juice” or “powdered fruit juice”, or “dehydrated juice” or “powdered juice” together with the name of a fruit, in trade, as the name of a product if the product does not comply with the specifications in Schedule 6.

### **Use of the name fruit nectar**

**9.—**(1) A person trading in a fruit nectar must use the name “[x] nectar” as the name of the product with the relevant name of the fruit from which the nectar comes substituting “[x]” in accordance with regulation 10.

(2) But paragraph (1) does not prevent a name listed in column 2 of Schedule 12 being used as the name of a fruit nectar provided that—

- (a) the name is in the language provided for in column 2 of that Schedule, and
- (b) the fruit nectar meets the requirements of any corresponding product description in column 3 of that Schedule.

(3) A person must not use the name “fruit nectar”, or “nectar” together with the name of a fruit, in trade, as the name of a product if the product is not fruit nectar.

### **Indication of kinds of fruits used**

**10.—**(1) A person must not trade in a regulated product unless the name of the product indicates the kinds of fruit from which it has come in accordance with paragraphs (2) to (7).

(2) If a regulated product is manufactured from a single kind of fruit, the name of that fruit must substitute “[x]” in the product name.

(3) If a regulated product is manufactured from two kinds of fruit (excluding the use of one or more of lemon juice, lime juice, concentrated lemon juice and concentrated lime juice in accordance with paragraph 3 of Schedule 8), a list of the names of the fruits used must substitute the “[x]” in the product name.

(4) If a regulated product is manufactured from three or more kinds of fruit (excluding the use of one or more of lemon juice, lime juice, concentrated lemon juice and concentrated lime juice in accordance with paragraph 3 of Schedule 8), the “[x]” in the product name must be substituted by—

- (a) a list of the names of the fruits used;
- (b) the words “several fruits” or similar wording; or
- (c) the number of kinds of fruit used.

(5) For the purposes of paragraph (3) and (4)(a), the list of the names of the fruits must be set out in descending order by volume of the juices or purities included from each kind of fruit, as indicated in the list of ingredients.

(6) Where a species of fruit listed in column 2 of Schedule 13 is used in the preparation of a fruit juice, fruit purities or fruit nectar, the name given as the name of the fruit in the product name in accordance with the requirements of this regulation must be—

- (a) the common name for the fruit specified in column 1 of Schedule 13, or

(b) the botanical name for the fruit specified in column 2 of Schedule 13.

(7) In the case of any other species of fruit used in the preparation of a fruit juice, fruit puri<sup>1</sup>/<sub>2</sub>e or fruit nectar, the name given as the name of the fruit in the product name in accordance with the requirements of this regulation must be—

- (a) the common name for the fruit, or
- (b) the botanical name for the fruit.

(8) In this regulation any reference to the “[x]” in a product name must be construed taking into account the provisions relating to product names in regulations 4 to 9.

#### **Indication of added extra pulp and cells**

**11.**—(1) A person must not trade in a fruit juice to which there has been added extra pulp or cells unless its labelling indicates such addition.

(2) In paragraph (1), “fruit juice” (“*sudd ffrwythau*”) has the same meaning as in the second subparagraph of point 5 of Article 3 of Directive [2001/112/EC](#).

#### **Labelling of a fruit juice partially made from concentrate**

**12.**—(1) A person must not trade in a fruit juice that contains a mixture of fruit juice and fruit juice from concentrate unless its labelling bears the words “partially from concentrate” or, as the case may be, “partially from concentrates”.

(2) The wording required by paragraph (1) must appear close to the product name in characters that are clearly visible and stand out well from the background against which it appears.

#### **Labelling of concentrated fruit juice not intended for delivery to the final consumer**

**13.** A person must not trade in a concentrated fruit juice that is not intended for delivery to the final consumer unless it indicates on its packaging, on a label attached to its packaging or in an accompanying document, of the presence and quantity in it of any of the following—

- (a) added lemon juice,
- (b) added lime juice,
- (c) acidifying agents permitted by Regulation 1333/2008.

#### **Labelling of a fruit nectar**

**14.**—(1) A person must not trade in a fruit nectar unless the labelling of the product complies with paragraphs (2) to (8).

(2) The labelling of a fruit nectar must indicate the minimum content of fruit juice, fruit puri<sup>1</sup>/<sub>2</sub>e or mixture of fruit juice and fruit puri<sup>1</sup>/<sub>2</sub>e that it contains, using the words “fruit content: [x]% minimum” with the appropriate figure being substituted for “[x]”.

(3) The wording required by paragraph (2) must be located in the same field of vision as the product name.

(4) The labelling of a fruit nectar obtained wholly from one or more concentrated products must bear the words “from concentrate” or, as the case may be, “from concentrates”.

(5) The labelling of a fruit nectar obtained partly from one or more concentrated products must bear the words “partially from concentrate” or, as the case may be, “partially from concentrates”.

(6) The wording required by paragraphs (4) and (5) must appear close to the product name in characters that are clearly visible and stand out well from the background against which it appears.

(7) A claim stating that sugars have not been added to a fruit nectar, or any claim likely to have the same meaning for the consumer, may not be made unless the product does not contain any added monosaccharides or disaccharides or any other food used for its sweetening properties, including sweeteners as defined in Regulation 1333/2008.

(8) Where a claim stating that sugars have not been added to a fruit nectar, or any claim likely to have the same meaning for the consumer, is made and sugars are naturally present in the fruit nectar, the words “contains naturally occurring sugars” must also appear on the label.

### **Manner of marking or labelling**

**15.**—(1) Regulations 35(1), 36(1), (5) and 38 of the Food Labelling Regulations 1996 <sup>M6</sup> (which relate to the manner of marking or labelling of food) apply to the particulars with which a regulated product is required to be marked or labelled by the provisions of these Regulations listed in paragraph (2).

(2) The provisions are—

- (a) regulation 10(1);
- (b) regulation 11(1);
- (c) regulation 12(1);
- (d) regulation 13;
- (e) regulation 14(1), as read with regulation 14(2), (4), (5) and (8).

#### **Marginal Citations**

**M6** S.I. 1996/1499, relevant amending instruments are S.I. 1999/747, 2000/1925 (W.134), and 2001/1232 (W.66).

### **Enforcement**

**16.** It is the duty of each food authority within its area to enforce these Regulations.

### **Improvement notice – application of subsections (1) and (2) of section 10 of the Act**

**17.**—(1) Subsections (1) and (2) of section 10 of the Act (improvement notices) apply for the purposes of these Regulations with the following modifications.

(2) For subsection (1), substitute—

“(1) If an authorised officer of an enforcement authority has reasonable grounds for believing that a person is failing to comply with a provision of the Fruit Juices and Fruit Nectars (Wales) Regulations 2013 specified in subsection (1A), the authorised officer may, by a notice served on that person (in this Act referred to as an “improvement notice”)—

- (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 (not being less than 14 days) as may be specified in the notice.

(1A) The provisions are—

- (a) regulation 4(1), as read with regulation 4(2);
- (b) regulation 4(3);
- (c) regulation 5(1) or (2);
- (d) regulation 6(1) or (2);
- (e) regulation 7(1) or (2);
- (f) regulation 8(1) or (2);
- (g) regulation 9(1), as read with regulation 9(2);
- (h) regulation 9(3);
- (i) regulation 10(1);
- (j) regulation 11(1);
- (k) regulation 12;
- (l) regulation 13;
- (m) regulation 14(1);
- (n) regulation 15.”.

#### **Appeal against improvement notice – application of subsections (1) and (6) of section 37, and section 39, of the Act**

**18.**—(1) Subsections (1) and (6) of section 37 of the Act (appeals) apply for the purposes of these Regulations with the following modifications—

- (a) for subsection (1), substitute—

“(1) Any person who is aggrieved by a decision of an authorised officer of an enforcement authority to serve an improvement notice under section 10(1), as applied and modified by regulation 17 of the Fruit Juices and Fruit Nectars (Wales) Regulations 2013, may appeal to the magistrates' court.”; and

- (b) in subsection (6) for “(3) or (4)”, substitute “(1) ”.

(2) Section 39 of the Act (appeals against improvement notices) applies for the purposes of these Regulations with the following modifications—

- (a) for subsection (1), substitute—

“(1) On an appeal against a decision of an authorised officer of an enforcement authority to serve an improvement notice under section 10(1), as applied and modified by regulation 17 of the Fruit Juices and Fruit Nectars (Wales) Regulations 2013, the court may either cancel or affirm the notice, and, if it affirms it, may do so either in its original form or with such modifications as the court may in the circumstances think fit.”; and

- (b) in subsection (3), omit “for want of prosecution”.

#### **Application of other provisions of the Act**

**19.** The provisions of the Act specified in column 1 of Schedule 14 apply with the modifications specified in column 2 of that Schedule for the purposes of these Regulations.

#### **Revocations**

**20.**—(1) The following Regulations are revoked—

- (a) the Fruit Juices and Fruit Nectars (Wales) Regulations 2003 <sup>M7</sup>;
- (b) the Fruit Juices and Fruit Nectars (Wales) (Amendment) Regulations 2011 <sup>M8</sup>.

(2) Regulation 9 of the Food Enzymes (Wales) Regulations 2009 <sup>M9</sup> is revoked.

**Marginal Citations**

- M7** [S.I. 2003/3041](#) (W. 286) relevant amending instruments are [S.I. 2009/3377](#) (W.299), and [S.I. 2011/700](#) (W. 107).
- M8** [S.I. 2011/700](#) (W. 107).
- M9** [S.I. 2009/3377](#) (W.299).

**Consequential amendments**

**21.** Schedule 15 has effect.

**Transitional provisions**

<sup>F1</sup>**22.** .....

- F1** [Reg. 22](#) omitted (26.7.2018) by virtue of [The Food and Feed \(Miscellaneous Amendments and Revocations\) \(Wales\) Regulations 2018](#) (S.I. 2018/806), regs. 1(3), **25(2)**

*Mark Drakeford*  
Minister for Health and Social Services, one of  
the Welsh Ministers”



**Changes to legislation:**

There are currently no known outstanding effects for the The Fruit Juices and Fruit Nectars (Wales) Regulations 2013.