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WELSH STATUTORY INSTRUMENTS

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**2018 No. 274 (W. 50)**

**FOOD, WALES**

**The Jam and Similar Products (Wales) Regulations 2018**

<i>Made</i>	- - - -	<i>27 February 2018</i>
<i>Laid before the National Assembly for Wales</i>	- -	<i>5 March 2018</i>
<i>Coming into force</i>	- -	<i>26 March 2018</i>

The Welsh Ministers make the following Regulations in exercise of the powers conferred by sections 6(4), 16(1)(a) and (e), 17(1) and (2), 26(1) and (3) and 48(1) of the Food Safety Act 1990<sup>(1)</sup> and paragraph 1A of Schedule 2 to the European Communities Act 1972<sup>(2)</sup>.

These Regulations make provision for a purpose mentioned in section 2(2) of the European Communities Act 1972 and it appears to the Welsh Ministers that it is expedient for references to the European instruments listed in Schedule 4 to be construed as references to those instruments as amended from time to time.

So far as these Regulations are made in exercise of powers under the Food Safety Act 1990, the Welsh Ministers have had regard to relevant advice given by the Food Standards Agency in accordance with section 48(4A)<sup>(3)</sup> of that Act.

There has been open and transparent public consultation during the preparation and evaluation of these Regulations 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<sup>(4)</sup>.

**Title, application and commencement**

1.—(1) The title of these Regulations is the Jam and Similar Products (Wales) Regulations 2018.

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- (1) 1990 c. 16. Section 16(1) was amended by paragraph 8 of Schedule 5 to the Food Standards Act 1999 (c. 28) (“the 1999 Act”). Section 17(1) and (2) was amended by paragraphs 8 and 12 of Schedule 5 to the 1999 Act and S.I. 2011/1043. Section 26(3) was amended by Schedule 6 to the 1999 Act. Section 48(1) was amended by paragraph 8 of Schedule 5 to the 1999 Act. Functions formerly exercisable by “the Ministers” so far as exercisable in relation to Wales, were transferred to the National Assembly for Wales by S.I. 1999/672 as read with section 40(3) of the 1999 Act, and subsequently transferred to the Welsh Ministers by paragraph 30 of Schedule 11 to the Government of Wales Act 2006 (c. 32).
- (2) 1972 c. 68. Paragraph 1A of Schedule 2 was inserted by section 28 of the Legislative and Regulatory Reform Act 2006 (c. 51) and was amended by Part 1 of the Schedule to the European Union (Amendment) Act 2008 (c. 7) and S.I. 2007/1388.
- (3) Section 48(4A) was inserted by paragraph 21 of Schedule 5 to the 1999 Act.
- (4) OJ No L 31, 1.2.2002, p. 1, last amended by Regulation (EU) No 652/2014 of the European Parliament and of the Council (OJ No L 189, 27.6.2014, p. 1).

- (2) These Regulations apply in relation to Wales.  
 (3) These Regulations come into force on 26 March 2018.

## Interpretation

### 2.—(1) In these Regulations—

- “the Act” (“*y Ddeddf*”) means the Food Safety Act 1990;
- “aqueous extract of fruit” (“*echdynnyn dyfrllyd ffrwythau*”) 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” (“*cynhwysyn ychwanegol a awdurdodwyd*”) means an ingredient specified in Schedule 2;
- “authorised treatment” (“*triniaeth a awdurdodwyd*”) means a treatment specified in Schedule 3;
- “Directive 2001/111/EC” (“*Cyfarwyddeb 2001/111/EC*”) means Council Directive 2001/111/EC(5) relating to certain sugars intended for human consumption;
- “Directive 2001/113/EC” (“*Cyfarwyddeb 2001/113/EC*”) means Council Directive 2001/113/EC(6) relating to fruit jams, jellies and marmalades and sweetened chestnut purée intended for human consumption;
- “fruit” (“*ffrwyth*”) 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” (“*mwydion ffrwythau*”) 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” (“*piwri ffrwythau*”) 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” (“*sinsir*”) 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” (“*mêl*”) 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” (“*cynhwysyn*”) has the meaning given in Article 2(2)(f) of Regulation (EU) No 1169/2011(7);
- “in trade” (“*mewn masnach*”) has the same meaning as in Directive 2001/113/EC and the expressions “trade in”, “trades in” and “traded” (“*masnachu mewn*”, “*a fasnachir*”) are to be construed accordingly;
- “labelling” (“*labeli*”) has the meaning given in Article 2(2)(j) of Regulation (EU) No 1169/2011 and the expression “labelled” (“*wedi ei labelu*”) is to be construed accordingly;

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(5) OJ No L 10, 12.1.2002, p. 53, last amended by Regulation (EU) No 1021/2013 of the European Parliament and of the Council (OJ No L 287, 29.10.2013, p. 1).  
 (6) OJ No L 10, 12.1.2002, p. 67, last amended by Regulation (EU) No 1021/2013 of the European Parliament and of the Council (OJ No L 287, 29.10.2013, p. 1).  
 (7) OJ No L 304, 22.11.2011, p. 18, last amended by Commission Delegated Regulation (EU) No 78/2014 (OJ No L 27, 30.1.2014, p. 7).

“regulated product” (“*cynnyrch a reoleiddir*”) means a product that is listed in any of the entries in the table in Part 1 of Schedule 1 and complies with the requirements for that product set out in the Part of that Schedule specified in the corresponding entry in column 3 of the table;

“Regulation (EC) No 1924/2006” (“*Rheoliad (EC) Rhif 1924/2006*”) means Regulation (EC) No 1924/2006<sup>(8)</sup> of the European Parliament and of the Council on nutrition and health claims made on foods;

“Regulation (EC) No 1333/2008” (“*Rheoliad (EC) Rhif 1333/2008*”) means Regulation (EC) No 1333/2008<sup>(9)</sup> of the European Parliament and of the Council on food additives;

“Regulation (EU) No 1169/2011” (“*Rheoliad (EU) Rhif 1169/2011*”) means Regulation (EU) No 1169/2011 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;

“sugar” (“*siwgr*”) means any of the following—

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

(2) Any other expression used in these Regulations and Directive 2001/113/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 4 is a reference to that instrument as amended from time to time.

(4) Part 13 of Schedule 1 has effect in relation to the interpretation of Schedule 1.

## 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 1 that is brought into Wales from another part of the United Kingdom, from another EEA State or from the Republic of Turkey, in which it was lawfully marketed.

(3) In paragraph (1) “fine bakery wares, pastries or biscuits” has the same meaning as in Article 1 of Directive 2001/113/EC.

## Use of a product name

4.—(1) A person who trades in a product that complies with the requirements of a Part of Schedule 1 specified in column 3 of the table in Part 1 of Schedule 1 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 or 2 of the table in Part 1 of Schedule 1, or the equivalent name in any other language, in trade, as the name of a product unless the product complies with the requirements for that product specified in the Part of that Schedule listed in the corresponding entry in column 3 of the table.

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<sup>(8)</sup> OJ No L 404, 30.12.2006, p. 9, last amended by Regulation (EU) No 1047/2012 (OJ No L 310, 9.11.2012, p. 36).

<sup>(9)</sup> OJ No L 354, 31.12.2008, p. 16, last amended by Commission Regulation (EU) 2017/874 (OJ No L 134, 23.5.2017, p. 18).

(3) Paragraph (2) does not prevent a product name being used, in trade, as part of 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.

(4) In addition to the name of the product that must be used by virtue of paragraph (1), a person may use the Welsh name of the product as listed in the entry in column 2 of the table in Part 1 of Schedule 1 which corresponds to the English name of the product in column 1 of the same table.

(5) Nothing in paragraphs (1) or (4) prevents the product name from being in any other language in addition to Welsh and English.

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

5.—(1) A person must not trade in a regulated product that is listed in Part 1 of the table in Part 1 of Schedule 1 unless the product name is supplemented with an indication of the kinds of fruits used to manufacture the product in accordance, as applicable, with paragraph (2), (3) or (4).

(2) Where a regulated product that is listed in Part 1 of the table in Part 1 of Schedule 1 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 that is listed in Part 1 of the table in Part 1 of Schedule 1 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 that is listed in Part 1 of the table in Part 1 of Schedule 1 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.

(5) In addition to the wording required by virtue of paragraph (4)(b), the product name may be supplemented with the words “ffrwythau cymysg” or similar Welsh wording.

(6) Nothing in paragraphs (4)(b) or (5) prevents the product name from being supplemented with the required words in any other language in addition to Welsh and English.

### **Fruit content indication**

6.—(1) A person must not trade in a regulated product that is listed in Part 1 of the table in Part 1 of Schedule 1 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 “x”.

(3) If aqueous extracts are used, the fruit content of the finished product as indicated on the labelling of the product must be calculated after deducting the weight of any water used to prepare the aqueous extracts.

(4) The fruit content indication must appear in the same visual field as the product name and be in clearly visible characters.

(5) In addition to the wording required by virtue of paragraph (2), the words “paratowyd â x g o ffrwythau am bob 100g” may be included, 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 “x”.

(6) Nothing in paragraphs (2) or (5) prevents the wording required by virtue of paragraph (2) from being included in any other language in addition to Welsh and English.

### **Total sugar content indication**

7.—(1) A person must not trade in a regulated product that is listed in Part 1 of the table in Part 1 of Schedule 1 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 “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  $\pm 3$  refractometric degrees.

(5) The total sugar content indication 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 that is listed in Part 1 of the table in Part 1 of Schedule 1 is made and the product is marked or labelled, as regards its sugar content, with the prescribed nutrition labelling set out in Articles 30 to 35 of Regulation (EU) No 1169/2011.

(7) In addition to the wording required by virtue of paragraph (2), the words “cyfanswm y cynnwys siwgr: x g ym mhob 100 g” may be included, with the content in grams of soluble solids in each hundred grams of the finished product inserted in place of “x”.

(8) Nothing in paragraphs (2) or (7) prevents the wording required by virtue of paragraph (2) from being included in any other language in addition to Welsh and English.

### **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 1 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 a food authority within its area to enforce these Regulations.

### **Application and modifications of provisions of the Act**

10. The provisions of the Act specified in column 1 of the table in Schedule 5 apply, with the modifications specified in column 2 of that table, for the purposes of these Regulations.

## Revocations

**11.**—(1) The Jam and Similar Products (Wales) Regulations 2004(**10**) are revoked.

(2) The entry relating to the Jam and Similar Products (Wales) Regulations 2004 in the table in Part 4 of the Schedule to the Treaty of Lisbon (Changes in Terminology or Numbering) Order 2012(**11**) is revoked.

27 February 2018

*Vaughan Gething*  
Cabinet Secretary for Health and Social  
Services, one of the Welsh Ministers

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**(10)** S.I. 2004/553 (W. 56), as amended by S.I. 2005/3254 (W. 247), S.I. 2009/3378 (W. 300), S.I. 2012/1809.

**(11)** S.I. 2012/1809, to which there are amendments not relevant to these Regulations.

## SCHEDULE 1

Regulations 2 to 8

## Regulated products

## PART 1

## List of products

<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>
<i>Product name in English</i>	<i>Product name in Welsh</i>	<i>Part of this Schedule containing the specification for the product</i>
<b>Part 1</b>		
Jam	Jam	Part 2
Extra jam	Jam ecstra	Part 3
Jelly	Jeli	Part 4
Extra jelly	Jeli ecstra	Part 5
Marmalade	Marmalêd	Part 6
Jelly marmalade	Marmalêd jeli	Part 7
Sweetened chestnut purée	Piwrî castan a felyswyd	Part 8
<b>Part 2</b>		
“X” curd	Ceuled “X”	Part 9
Lemon cheese	Ceuled lemon	Part 10
“Y” flavour curd	Ceuled blas “Y”	Part 11
Mincemeat	Briwfwyd	Part 12

## PART 2

## Jam

1. Jam is a mixture, brought to a suitable gelled consistency, of—
  - (a) sugar;
  - (b) fruit pulp, or fruit purée, or both fruit pulp and fruit purée, of one or more kinds of fruit; and
  - (c) water.
2. Notwithstanding paragraph 1(a), a permitted sweetener may be used in the manufacture of jam either wholly or partially as a replacement for sugar.
3. Notwithstanding paragraph 1(b), citrus jam may be obtained from the whole fruit, cut into strips, sliced or cut into strips and sliced.
4. 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;
  - (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.
5. As well as the ingredients mentioned in paragraphs 1 to 3, the product may contain any of the following—
- (a) an authorised additional ingredient, which, where there are restrictions in Schedule 2 relating to its use, is used as specified in Schedule 2;
  - (b) citrus fruit juice, in a product obtained from other kinds of fruit;
  - (c) red fruit juice, in a product manufactured from any of the following fruits—
    - (i) rosehips;
    - (ii) strawberries;
    - (iii) raspberries;
    - (iv) gooseberries;
    - (v) redcurrants;
    - (vi) plums;
    - (vii) rhubarb;
  - (d) red beetroot juice, in a product manufactured from any of the following fruits—
    - (i) strawberries;
    - (ii) raspberries;
    - (iii) gooseberries;
    - (iv) redcurrants;
    - (v) plums;
  - (e) other fruit juice;
  - (f) citrus peel;
  - (g) 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 3 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) a product in respect of which sugar has been wholly or partially replaced by a permitted sweetener; and
  - (b) a product 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

- 8.** Extra jam is a mixture, brought to a suitable gelled consistency, of—
- (a) in the case of rosehip extra jam—
    - (i) sugar;
    - (ii) the unconcentrated purée of that fruit, or a mixture of the unconcentrated pulp and purée of that fruit; and
    - (iii) water;
  - (b) in the case of seedless raspberry, blackberry, blackcurrant, blueberry and redcurrant extra jam—
    - (i) sugar;
    - (ii) the unconcentrated purée of that fruit, or a mixture of the unconcentrated pulp and purée of that fruit; and
    - (iii) water;
  - (c) in other cases—
    - (i) sugar;
    - (ii) the unconcentrated pulp of one or more kinds of fruit; and
    - (iii) water.
- 9.** Notwithstanding sub-paragraphs (a)(i), (b)(i) and (c)(i) of paragraph 8, a permitted sweetener may be used in the manufacture of extra jam either wholly or partially as a replacement for sugar.
- 10.** Notwithstanding paragraph 8(c)(ii), citrus extra jam may be obtained from the whole fruit, cut into strips, sliced or cut into strips and sliced.
- 11.** 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;
  - (i) tomatoes.
- 12.** The quantity of fruit pulp (or fruit purée, or fruit purée and fruit pulp, in the case of a product to which paragraph 8(a) or (b) applies) used to manufacture 1,000 grams of the finished product must not be less than—
- (a) 350 grams in the case of any of the following—
    - (i) redcurrants;
    - (ii) rowanberries;
    - (iii) sea buckthorns;
    - (iv) blackcurrants;

- (v) rosehips;
  - (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.
- 13.** As well as the ingredients mentioned in paragraphs 8 to 10, the product may contain any of the following—
- (a) an authorised additional ingredient, which, where there are restrictions in Schedule 2 relating to its use, is used as specified in Schedule 2;
  - (b) citrus fruit juice, in a product obtained from other kinds of fruit;
  - (c) red fruit juices, in a product manufactured from any of the following fruits—
    - (i) rosehips;
    - (ii) strawberries;
    - (iii) raspberries;
    - (iv) gooseberries;
    - (v) redcurrants;
    - (vi) plums;
    - (vii) rhubarb;
  - (d) citrus peel;
  - (e) leaves of *Pelargonium odoratissimum*, in a product made from quince.
- 14.** 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.
- 15.** The product must have a soluble dry matter content of 60% or more as determined by refractometer at 20°C except for—
- (a) a product in respect of which sugar has been wholly or partially replaced by a permitted sweetener; and
  - (b) a product 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

- 16.** 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.
- 17.** Notwithstanding sub-paragraphs (a), (b) and (c) of paragraph 16, a permitted sweetener may be used in the manufacture of jelly either wholly or partially as a replacement for sugar.

**18.** 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;
  - (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.

**19.** Where aqueous extract of fruit is used in the manufacture of the product, the quantities specified in paragraph 18 must be calculated after deduction of the weight of water used in preparing the aqueous extracts.

**20.** As well as the ingredients mentioned in paragraphs 16 and 17, the product may contain any of the following—

- (a) an authorised additional ingredient, which, where there are restrictions in Schedule 2 relating to its use, is used as specified in Schedule 2;
- (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;
  - (v) plums;
- (d) citrus peel;
- (e) leaves of *Pelargonium odoratissimum*, in a product made from quince.

**21.** 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.

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

- (a) a product in respect of which sugar has been wholly or partially replaced by a permitted sweetener; and
- (b) a product 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

**23.** 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.

**24.** Notwithstanding sub-paragraphs (a), (b) and (c) of paragraph 23, a permitted sweetener may be used in the manufacture of extra jelly either wholly or partially as a replacement for sugar.

**25.** 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;
- (i) tomatoes.

**26.** 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 any of the following—
  - (i) redcurrants;
  - (ii) rowanberries;
  - (iii) sea buckthorns;
  - (iv) blackcurrants;
  - (v) rosehips;
  - (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.

**27.** Where aqueous extract of fruit is used in the manufacture of the product, the quantities in sub-paragraphs (a) to (e) of paragraph 26 must be calculated after the deduction of the weight of water used in preparing the aqueous extract.

**28.** As well as the ingredients mentioned in paragraphs 23 and 24, the product may contain any of the following—

- (a) an authorised additional ingredient, which, where there are restrictions in Schedule 2 relating to its use, is used as specified in Schedule 2;
- (b) citrus fruit juice, in a product obtained from other kinds of fruit;
- (c) citrus peel;
- (d) leaves of *Pelargonium odoratissimum*, in a product made from quince.

**29.** 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.

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

- (a) a product in respect of which sugar has been wholly or partially replaced by a permitted sweetener; and
- (b) a product 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

**31.** 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.

**32.** Notwithstanding paragraph 31(b), a permitted sweetener may be used in the manufacture of marmalade either wholly or partially as a replacement for sugar.

**33.** 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.

**34.** As well as the ingredients mentioned in paragraphs 31 and 32, the product may contain any of the following—

- (a) an authorised additional ingredient, which, where there are restrictions in Schedule 2 relating to its use, is used as specified in Schedule 2;
- (b) essential oils of citrus fruits.

**35.** 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.

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

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

## PART 7

### Jelly marmalade

**37.** 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

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

**39.** Notwithstanding paragraph 38, a permitted sweetener may be used in the manufacture of sweetened chestnut purée either wholly or partially as a replacement for sugar.

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

**41.** As well as the ingredients mentioned in paragraphs 38 and 39, the product may contain an authorised additional ingredient provided that, where there are restrictions in Schedule 2 relating to the use of that additional ingredient, it is used as specified in Schedule 2.

**42.** 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.

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

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

**44.** In this Part “chestnuts” (“*castan*”) means the fruit of the sweet chestnut tree (*Castanea sativa*).

## PART 9

### “X” curd

**45.** “X” curd is an emulsion of—

- (a) edible fat or oil (or both);
- (b) sugar;
- (c) whole egg or egg yolk (or both); and
- (d) fruit, fruit pulp, fruit purée, fruit juice, aqueous extract of fruit or essential oils of fruit or any combination of them.

**46.** Notwithstanding paragraph 45(b), a permitted sweetener may be used in “X” curd either wholly or partially as a replacement for sugar.

**47.** Apart from the ingredients specified in paragraph 45(d) no other flavouring material may be used in “X” curd to impart the taste or odour (or both the taste and odour) of a fruit.

**48.** As well as the ingredients mentioned in paragraphs 45 and 46, the product may, subject to paragraph 47, contain any other edible ingredients.

**49.** The quantity of fat or oil (or both) used for every 1,000 grams of the finished product must not be less than 40 grams.

**50.** Not less than 6.5 grams of egg yolk solids (whether derived from a whole egg ingredient, an egg yolk or both) must be used for every 1,000 grams of the finished product.

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

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

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

**53.** This Part is to be read as if for “X” there were substituted—

- (a) the name of a particular kind or kinds of fruit in the case of a product in which the ingredients used in its preparation in accordance with paragraph 45(d) only come from that kind or kinds of fruit;
- (b) the words “mixed fruit” in the case of a product in which the ingredients used in its preparation in accordance with paragraph 45(d) come from more than one kind of fruit; or
- (c) the word “fruit” preceded by a number in the case of a product where the ingredients used in its preparation in accordance with paragraph 45(d) come from that number of kinds of fruit.

## PART 10

### Lemon cheese

**54.** Lemon cheese complies with all the requirements for “X” curd in Part 9 appropriate for lemon curd.

## PART 11

### “Y” flavour curd

**55.** “Y” flavour curd is an emulsion of—

- (a) edible fat or oil (or both);
- (b) sugar;
- (c) whole egg or egg yolk (or both); and
- (d) flavouring material added in order to impart the taste or odour (or both the taste and odour) of a fruit.

**56.** Notwithstanding paragraph 55(b), a permitted sweetener may be used in the manufacture of “Y” flavour curd either wholly or partially as a replacement for sugar.

**57.** As well as the ingredients mentioned in paragraphs 55 and 56, the product may contain any other edible ingredients.

**58.** The quantity of fat or oil (or both) used for every 1,000 grams of the finished product must not be less than 40 grams.

**59.** Not less than 6.5 grams of egg yolk solids (whether derived from a whole egg ingredient, an egg yolk or both) must be used for every 1,000 grams of the finished product.

**60.** The quantity of flavouring material used must be sufficient to characterise the finished product.

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

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

**62.** This Part is to be read as if for “Y” there were substituted—

- (a) the name of a particular kind or kinds of fruit in the case of a product in which the flavouring material used in its preparation in accordance with paragraph 55(d) has been added to impart the taste or odour (or both the taste and odour) of that kind or kinds of fruit; or
- (b) the words “mixed fruit” in the case of a product in which the flavouring material used in its preparation in accordance with paragraph 55(d) has been added to impart the taste or odour (or both the taste and odour) of more than one kind of fruit.

## PART 12

### Mincemeat

**63.** 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.

**64.** Notwithstanding paragraph 63, a permitted sweetener may be used in the manufacture of mincemeat either wholly or partially as a replacement for the sweetening agents.

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

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

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

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

**68.** In this Part—

“sweetening agents” (“*cyfryngau melysu*”) means—

- (a) any sugar product defined in the Annex to Directive 2001/111/EC;
- (b) brown sugar;
- (c) cane molasses;
- (d) honey;

“vine fruits” (“*ffrwythau gwinwydd*”) means currants, muscatels, raisins or sultanas or a mixture of any combination of those fruits.

## PART 13

### Interpretation of Schedule 1

**69.** In this Schedule “permitted sweetener” (“*melysydd a ganiateir*”) means any sweetener in so far as its use is permitted in a regulated product by Regulation (EC) No 1333/2008.

**70.** In the case of a regulated product that is listed in Part 1 of the table in Part 1 of this Schedule prepared from a mixture of different kinds of fruit, any reference in these Regulations to a minimum quantity of fruit is to be read as if the minimum quantity specified for the relevant kinds of fruit were reduced in proportion to the relative quantities of the kinds of fruit used to manufacture the product.

### SCHEDULE 2

Regulation 2(1)

#### Authorised additional ingredients for regulated products that are listed in Part 1 of the table in Part 1 of Schedule 1

**1.** The following additional ingredients may be used in the manufacture of a regulated product that is listed in Part 1 of the table in Part 1 of Schedule 1—

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

**2.** The following additional ingredients may be used in the manufacture of a regulated product that is listed in Part 1 of the table in Part 1 of Schedule 1 to the extent stated below—

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

### SCHEDULE 3

Regulation 2(1)

#### Authorised treatments for regulated products that are listed in Part 1 of the table in Part 1 of Schedule 1

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

- (a) heated, chilled or frozen;
- (b) freeze-dried; or
- (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 4

Regulation 2(3)

## Ambulatory references

The EU instruments referred to in regulation 2(3) are—

- (a) Directive 2001/111/EC;
- (b) Directive 2001/113/EC;
- (c) Regulation (EC) No 1924/2006;
- (d) Regulation (EC) No 1333/2008;
- (e) Regulation (EU) No 1169/2011.

## SCHEDULE 5

Regulation 10

## Application and modifications of provisions of the Act

<i>Column 1</i>	<i>Column 2</i>
<i>Provision of the Act</i>	<i>Modifications</i>
Section 3 (presumptions that food intended for human consumption)	In subsection (1), for “this Act” substitute “the Jam and Similar Products (Wales) Regulations 2018”.
Section 10(1) and (2) (improvement notices)	<p>For subsection (1) (improvement notices) substitute—</p> <p>“(1) If an authorised officer of an enforcement authority 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 (Wales) Regulations 2018, the authorised officer may, by a notice served on that person (in this Act referred to as an “improvement notice”)—</p> <ul style="list-style-type: none"> <li>(a) state the officer’s grounds for believing that the person is failing to comply with the relevant regulation;</li> <li>(b) specify the matters which constitute the person’s failure so to comply;</li> <li>(c) specify the measures which, in the officer’s opinion, the person must take in order to secure compliance; and</li> <li>(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.”</li> </ul>

<i>Column 1</i>	<i>Column 2</i>
<i>Provision of the Act</i>	<i>Modifications</i>
Section 20 (offences due to fault of another person)	For “any of the preceding provisions of this Part” substitute “section 10(2), as applied by regulation 10 of the Jam and Similar Products (Wales) Regulations 2018”.
Section 21(1) and (5) (defence of due diligence)	In subsection (1), for “any of the preceding provisions of this Part” substitute “section 10(2), as applied by regulation 10 of the Jam and Similar Products (Wales) Regulations 2018”.
Section 30(8) (analysis etc. of samples)	For “this Act” substitute “the Jam and Similar Products (Wales) Regulations 2018”.  In paragraph (a) omit “under subsection (6) above”.
Section 33 (obstruction etc. of officers)	In subsection (1), for “this Act” (in each place where it occurs) substitute “the Jam and Similar Products (Wales) Regulations 2018”.
Section 35(1)(12) and (2)(13) (punishment of offences)	In subsection (1), after “section 33(1) above”, insert “, as applied and modified by regulation 10 of, and Schedule 5 to, the Jam and Similar Products (Wales) Regulations 2018,”.  After subsection (1), insert—  “(1A) A person guilty of an offence under section 10(2), as applied by regulation 10 of the Jam and Similar Products (Wales) Regulations 2018, is liable, on summary conviction, to a fine.”  (f) In subsection (2), for “any other offence under this Act”, substitute “an offence under section 33(2), as applied by regulation 10 of the Jam and Similar Products (Wales) Regulations 2018,”
Section 36 (offences by bodies corporate)	In subsection (1), for “this Act” substitute “section 10(2), as applied by regulation 10 of the Jam and Similar Products (Wales) Regulations 2018,”.
Section 36A(14) (offences by Scottish partnerships)	For “this Act” substitute “section 10(2), as applied by regulation 10 of the Jam and Similar Products (Wales) Regulations 2018,”.

(12) Section 35(1) is amended by paragraph 42 of Schedule 26 to the Criminal Justice Act 2003 (c. 44) from a date to be appointed and was amended by section 85(1) of the Legal Aid, Sentencing and Punishment of Offenders Act 2012 (c. 10).

(13) Section 35(2) was amended by section 85(1) of the Legal Aid, Sentencing and Punishment of Offenders Act 2012 and S.I. 2015/664.

(14) Section 36A was inserted by paragraphs 7 and 16 of Schedule 5 to the 1999 Act.

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**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

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<i>Column 1</i>	<i>Column 2</i>
<i>Provision of the Act</i>	<i>Modifications</i>
Section 37(1) and (6) (appeals to magistrates' court)	<p>For subsection (1) substitute—</p> <p>“(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 10 of the Jam and Similar Products (Wales) Regulations 2018, may appeal to a magistrates’ court.”</p> <p>In subsection (6)—</p> <p>(a) for “(3) or (4)” substitute “(1)”, and</p> <p>(b) in paragraph (a), omit “or to the sheriff”.</p>
Section 39 (appeals against improvement notices)	<p>For subsection (1) substitute—</p> <p>“(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 10 of the Jam and Similar Products (Wales) Regulations 2018, the magistrates’ 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.”</p> <p>In subsection (3), omit “for want of prosecution”.</p>
Section 44 (protection of officers acting in good faith)	<p>For “this Act” (in each place where it occurs) substitute “the Jam and Similar Products (Wales) Regulations 2018”.</p>

## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations, which apply in relation to Wales, 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 revoke and replace the Jam and Similar Products (Wales) Regulations 2004 ([S.I. 2004/553 \(W. 56\)](#)).

Regulation 4 and Schedule 1 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 1 are met by the product.

The Regulations also require particulars to be indicated in relation to jam, extra jam, jelly, extra jelly, marmalade, jelly marmalade and sweetened chestnut purée. Regulation 5 requires the product name to indicate the kinds of fruits used to manufacture the product, regulation 6 requires the labelling of the product to indicate its fruit content, regulation 7 requires the labelling of the product to indicate its total sugar content, and regulation 8 makes provision in relation to residual sulphur dioxide.

Regulation 9 imposes an obligation on food authorities to enforce the Regulations.

Regulation 10 and Schedule 5 apply certain provisions of the Food Safety Act 1990, with modifications. This includes the application, with modifications, of section 10(1), enabling an improvement notice to be served to require compliance with specified provisions of these Regulations, and the application of section 10(2), making the failure to comply with an improvement notice an offence.

Regulation 11 revokes the Jam and Similar Products (Wales) Regulations 2004 and makes a consequential revocation of a provision in the Treaty of Lisbon (Changes in Terminology or Numbering) Order 2012 ([S.I. 2012/1809](#)).

The Welsh Ministers’ Code of Practice on the carrying out of Regulatory Impact Assessments was considered in relation to these Regulations. As a result, it was not considered necessary to carry out a regulatory impact assessment as to the likely costs and benefits of complying with these Regulations.