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 STATUTORY INSTRUMENTS
 

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1977 No. 1026 (S. 79)

**FOOD AND DRUGS  
COMPOSITION AND LABELLING**
**The Fruit Juices and Fruit Nectars (Scotland) Regulations 1977**

<i>Made - - - -</i>	<i>13th June 1977</i>
<i>Laid before Parliament</i>	<i>29th June 1977</i>
<i>Coming into Operation</i>	
<i>Regulations 2 and 20</i>	<i>21st July 1977</i>
<i>Remainder - - -</i>	<i>17th November 1978</i>

In exercise of the powers conferred on me by sections 4, 7, 26(3) and 56 of the Food and Drugs (Scotland) Act 1956(a) as amended by section 4(1) of, and paragraph 3(1) of Schedule 4 to, the European Communities Act 1972(b) and of all other powers enabling me in that behalf, and after consultation with such organisations as appear to me to be representative of interests substantially affected by these regulations and after reference to the Scottish Food Hygiene Council under section 25 of the said Act (in so far as the regulations are made in exercise of the powers conferred by the said section 7), I hereby make the following regulations:—

*Citation and commencement*

1. These regulations may be cited as the Fruit Juices and Fruit Nectars (Scotland) Regulations 1977, and shall come into operation as respects regulations 2 and 20 21st July 1977 and as respects the remainder on 17th November 1978.

*Interpretation*

2.—(1) In these regulations, unless the context otherwise requires—

“the Act” means the Food and Drugs (Scotland) Act 1956;

“anti-foaming agent” has the meaning assigned to it by the Miscellaneous Additives in Food (Scotland) Regulations 1974(c), as amended(d);

“the Community” means the European Economic Community;

“concentrated fruit juice” means fruit juice which has been obtained from fruit by mechanical or diffusion processes and concentrated by the removal of part of its water, but does include dried fruit juice;

“concentrated fruit purée” means fruit purée which has been concentrated by the removal of part of its water;

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(a) 1956 c. 30.

(b) 1972 c. 68.

(c) S.I. 1974/1338 (1974 II, p. 5059).

(d) There is no amendment which relates expressly to the subject matter of these regulations.

“container” includes any form of packaging of food for sale as a single item, whether by way of wholly or partly enclosing the food or by way of attaching the food to some other article, and in particular includes a wrapper or confining band;

“dried fruit juice” means fruit juice which has been concentrated to the form of powder, granule or solid by the removal of water;

“food” means food intended for sale for human consumption and includes drink, chewing gum and other products of a like nature and use, and articles and substances used as ingredients in the preparation of food or drink or of such products, but does not include—

- (a) water, live animals or birds,
- (b) fodder or feedingstuffs for animals, birds or fish, or
- (c) articles or substances used only as drugs;

“fruit” means fruit, of a suitable degree of ripeness, fresh or preserved by chilling, sound, free from deterioration and containing all the essential constituents needed for the production of juices and nectars, but does not include rhubarb or tomatoes;

“fruit juice” means the food consisting of fermentable but unfermented juice which—

- (a) is obtained from fruit by mechanical processes and has the characteristic colour, aroma and flavour of juice of the fruit from which it is obtained, or
- (b) is obtained from concentrated fruit juice by the addition of water and has the organoleptic and analytical characteristics of fruit juice obtained from fruit of the same kind by mechanical processes, or
- (c) is obtained from fruit other than apricots, citrus fruits, grapes, peaches, pears or pineapples by diffusion processes and is intended to be used in the preparation of concentrated fruit juice;

“fruit nectar” means the food consisting of the fermentable but unfermented product which is obtained by the addition of water and sugar to fruit juice, concentrated fruit juice, fruit purée, concentrated fruit purée or an admixture of these products and which contains not less than the quantity of acid specified in column 2 of Schedule 1 in relation to the fruit specified in column 1 of that Schedule from which it is obtained and not less than the quantity of fruit juice or fruit purée or of fruit juice and fruit purée specified in column 3 of Schedule 1 in relation to such fruit, so however that—

- (a) the added sugar content, calculated as dry matter, shall not exceed 20 per centum by weight of the finished product;
- (b) the product obtained exclusively from fruit purée or concentrated fruit purée or an admixture thereof may contain, instead of added sugar, honey in a proportion not exceeding 20 per centum by weight of the finished product;
- (c) the product obtained exclusively from fruit purée or concentrated fruit purée or an admixture thereof obtained from peaches or pears may contain added sugar and honey together in a proportion not exceeding 20 per centum by weight of the finished product, the added sugar content being calculated as dry matter;

(d) the percentages specified in column 2 of Schedule 1 in relation to apricots and strawberries shall not apply to the product obtained exclusively from fruit purée or concentrated fruit purée or an admixture thereof;

“fruit purée” means the fermentable but unfermented product obtained by sieving the entire edible part of whole or peeled fruit;

“honey” has the meaning assigned to it by the Honey (Scotland) Regulations 1976(a);

“human consumption” includes use in the preparation of food for human consumption;

“permitted acid” means any acid in so far as its use is permitted by the Miscellaneous Additives in Food (Scotland) Regulations 1974, as amended;

“permitted anti-foaming agent” means any anti-foaming agent in so far as its use is permitted by the Miscellaneous Additives in Food (Scotland) Regulations 1974, as amended;

“permitted preservative” means any preservative in so far as its use is permitted by the Preservatives in Food (Scotland) Regulations 1975(b), as amended (c);

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

“sell by retail” means sell to a person buying otherwise than for the purpose of re-sale, but does not include selling to a caterer for the purpose of his catering business or to a manufacturer for the purposes of his manufacturing business; and “sale by retail” and “sold by retail” shall be construed accordingly;

“sugar” means, for the purposes of the preparation of dried fruit juice or fruit juice other than fruit juice obtained from concentrated fruit juice, any product specified in Part I of Schedule 2 as read with Part III of that Schedule and, for the purposes of the preparation of concentrated fruit juice, fruit juice obtained from concentrated fruit juice or fruit nectar, any product specified in Part II of that Schedule as read with Part III thereof,

AND other expressions shall have the same meaning as in the Act.

(2) The Interpretation Act 1889(d) shall apply for the interpretation of these regulations as it applies for the interpretation of an Act of Parliament.

(3) Any permitted preservative specified in columns 3 and 4 of Part I of Schedule 1 to the Preservatives in Food (Scotland) Regulations 1975, as amended, as an alternative form of the permitted preservative sulphur dioxide E220, may be used in place of that permitted preservative, if calculated as that permitted preservative, and any reference in these regulations to the permitted preservative sulphur dioxide shall be construed accordingly.

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(a) S.I. 1976/1818 (1976 III, p. 4928).

(b) S.I. 1975/1598 (1975 III, p. 5514).

(c) The relevant amending instruments are S.I. 1976/1910, 1977/860 (1976 III, p. 5117; 1977 II, p. 2371).

(d) 1889 c. 63.

(4) Any reference in these regulations to a label borne on a container shall be construed as including a reference to any legible marking on the container however effected.

(5) For the purpose of these regulations, the supply of food, otherwise than by sale, at, in or from any place where food is supplied in the course of a business shall be deemed to be a sale of that food, and references to purchasing and purchasers shall be construed accordingly.

(6) Any reference in these regulations to any other regulations shall be construed as a reference to such regulations as amended by any subsequent regulations.

(7) Any reference in these regulations to a numbered regulation or schedule shall, unless the reference is to a regulation of or a schedule to specified regulations, be construed as a reference to the regulation or schedule bearing that number in these regulations.

#### *Exemptions*

3.—(1) The following provisions of these regulations shall not apply to any fruit juice, concentrated fruit juice, dried fruit juice or fruit nectar—

- (a) sold, consigned or delivered for exportation to any place outside the United Kingdom; or
- (b) supplied under Government contracts for consumption by Her Majesty's forces or supplied for consumption by a visiting force within the meaning of any of the provisions of Part I of the Visiting Forces Act 1952(a).

(2) The following provisions of these regulations, other than the provisions of regulations 4, 9, 12, 13, 14 and 15 shall not apply—

- (a) to any concentrated fruit juice specially prepared for infants and children and bearing on a label on its container a clear statement that it is intended for infants and children; or
- (b) to any unfermented grape juice product intended exclusively for sacramental use and bearing on a label on its container a clear statement that it is so intended.

#### *General restrictions on the use of specified descriptions*

4. No person shall—

- (a) give with any food sold by him any label, whether attached to or borne on the container or not, or display with any food offered or exposed by him for sale any ticket or notice, or
- (b) publish, or be a party to the publication of, any advertisement for food,

which bears or includes any description in the form of "X juice", "concentrated X juice", "dried X juice" or "X nectar", in which there has been inserted at X the name of a fruit, or any derivative thereof or any word or description substantially similar thereto unless—

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(a) 1952 c. 67.

- (i) such food is fruit juice, concentrated fruit juice, dried fruit juice or fruit nectar, as the case may be, and is derived from the fruit indicated, or
- (ii) 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 an ingredient of that food, or
- (iii) such description, derivative or word is used in such a context as to indicate explicitly or by clear implication that such food is not fruit juice, concentrated fruit juice, dried fruit juice or fruit nectar and does not contain any.

*Labelling and description of fruit juice, concentrated fruit juice, dried fruit juice and fruit nectar*

5.—(1) Subject to paragraph (8) of this regulation, no person shall sell, consign or deliver pursuant to a sale any food mentioned in paragraph (5) of this regulation in a container unless there appears on a label marked on, or securely attached to, the container a true statement in compliance with this regulation.

(2) The said statement shall specify the description “X juice”, “concentrated X juice”, “dried X juice” or “X nectar”, as the case may be, there being inserted at X the name of the fruit from which the food is derived, so however that—

- (a) in relation to a food derived from two or more kinds of fruit, the name of each fruit, other than lemons where lemon juice has been added in place of citric acid in accordance with paragraph (f) of the proviso to regulation 11, shall appear in descending order of quantity;
- (b) in the case of dried fruit juice, the word “dried” may be accompanied or replaced by the word “freeze-dried” or by any other similar word or expression intended to describe the drying process.

(3) The said statement shall, in relation to any food referred to in any of the following sub-paragraphs, also include any declaration specified in that sub-paragraph for that food:—

- (a) for fruit juice obtained wholly or partly from concentrated fruit juice, the declaration “made with concentrated X juice”, the declaration being completed by inserting at X the name of the fruit from which the concentrated fruit juice was obtained;
- (b) for fruit nectar obtained exclusively from fruit purée or concentrated fruit purée or an admixture thereof, the declaration “contains fruit pulp” or any other declaration substantially similar thereto;
- (c) for concentrated fruit juice sold by retail or consigned or delivered pursuant to a sale by retail, a declaration containing clear and precise instructions as to the manner in which the concentrated fruit juice is to be diluted to obtain fruit juice and expressly providing for a dilution ratio of not less than one part of water to one part of the concentrated fruit juice;
- (d) for dried fruit juice, a declaration containing clear and precise instructions as to the manner in which the dried fruit juice is to be reconstituted;

- (e) for concentrated fruit juice sold otherwise than by retail or consigned or delivered pursuant to a sale otherwise than by retail, a declaration specifying the degree of concentration;
- (f) for fruit nectar, without prejudice to sub-paragraph (b) of this paragraph, the declaration "fruit content X % minimum", the declaration being completed by inserting at X the minimum content of fruit juice or fruit purée or any admixture thereof;
- (g) for fruit juice or fruit nectar containing carbon dioxide in a proportion exceeding 2 grammes per litre, the declaration "carbonated";
- (h) for fruit juice, concentrated fruit juice or dried fruit juice containing added sugar in a proportion, after dilution or reconstitution if appropriate, exceeding 15 grammes per litre, calculated as dry matter, the declaration "sweetened" and a declaration of the maximum quantity of added sugar, calculated as dry matter and expressed as grammes per litre or grammes per litre after dilution or reconstitution, as the case may be:

Provided that the maximum quantity of added sugar so declared may exceed the actual quantity added, calculated and expressed as aforesaid, by not more than 15 per centum;

- (j) for fruit nectar obtained exclusively from fruit purée or concentrated fruit purée or an admixture thereof and containing honey, the declaration "contains honey":

Provided that such declaration shall not be included in the statement if the fruit nectar also contains added sugar;

- (k) for fruit nectar obtained exclusively from fruit purée or concentrated fruit purée or an admixture thereof and containing added lemon juice in accordance with paragraph (f) of the proviso to regulation 11, the declaration "contains lemon juice":

Provided that such declaration shall not be included in the statement if the fruit nectar also contains added acid.

(4) The said statement shall also specify the name or trade name and the address or registered office of the manufacturer or packer of the food, or of a seller thereof established within the Community.

- (5) The foods referred to in paragraph (1) of this regulation are: —
  - (a) fruit juice intended for sale for consumption as fruit juice;
  - (b) concentrated fruit juice intended for sale for consumption after dilution as fruit juice;
  - (c) fruit nectar intended for sale for consumption as fruit nectar;
  - (d) dried fruit juice intended for sale for consumption after reconstitution;
  - (e) concentrated fruit juice intended for use in the preparation of any food mentioned in sub-paragraph (a), (c) or (d) of this paragraph;
  - (f) fruit juice intended for use in the preparation of any food mentioned in sub-paragraph (b), (c) or (d) of this paragraph.

(6) Any declaration specified in paragraph (3) (a), (b) or (f) of this regulation for a food mentioned in paragraph (5) of this regulation shall be so situated as to be simultaneously visible together with the description of that

food specified in paragraph (2) of this regulation to an intending purchaser or consumer under normal conditions of purchase or use.

(7) Any declaration specified in paragraph (3) (a) or (f) of this regulation for such a food shall be in immediate proximity to the description of that food specified in paragraph (2) of this regulation and easily distinguishable from that description and from any other marking appearing on the label referred to in paragraph (1) of this regulation.

(8) Notwithstanding the requirement in paragraph (1) of this regulation that the said statement shall appear on a label marked on, or securely attached to, the container, in the case of a sale otherwise than by retail or a consignment or delivery pursuant to such a sale of any fruit juice, concentrated fruit juice or fruit nectar in a container of a nominal volume of not less than 5 litres, or of a dried fruit juice in a container of a nominal weight of not less than 5 kilogrammes, any of those parts of the statement which are specified in paragraph (3) of this regulation may, as an alternative, be contained in a document accompanying the food.

#### *Manner of marking or labelling*

6.—(1) Any statement required by regulation 5 to appear on a label marked on, or securely attached to, the container of any food mentioned in regulation 5(5)—

- (a) shall be clear, legible and indelible;
- (b) shall be in a conspicuous position on the label marked on, or securely attached to, the container in such a manner that it will be readily discernible and easily read by an intending purchaser or consumer under normal conditions of purchase or use;
- (c) shall not be interrupted by any other written or pictorial matter where such interruption might mislead the purchaser or consumer as to the nature of the food;
- (d) shall not be in any way hidden or obscured or reduced in conspicuousness by any other matter, whether pictorial or not, appearing on the label.

(2) The height of the letters in any statement referred to in paragraph (1) of this regulation shall be such as is not calculated by any undue or insufficient prominence to mislead as to the nature, substance or quality of the food to which that statement relates.

(3) If any food mentioned in regulation 5(5) is packaged in more than one container, any label which by virtue of any of these regulations is required to be marked on, or securely attached to, the container shall either be marked on, or securely attached to, the outermost container or be readily discernible and easily read through, or notwithstanding, the outermost container.

#### *Advertisement of fruit juice, concentrated fruit juice, dried fruit juice and fruit nectar for sale from vending machines*

7.—(1) Subject to paragraph (2) of this regulation, no person shall sell in or from any vending machine any food mentioned in regulation 5(5), whether in a container or not, unless the description specified for it in regulation 5(2) appears in clear lettering in a prominent position on the front of that machine.

(2) This regulation shall not apply where a description so specified for that food appears, in the case of a food in a container, on a label on that container or a facsimile thereof or, in the case of a food which is not in a container, on a ticket, being a label or ticket, as the case may be, which complies with the requirements of these regulations as respects that food and, to the extent that it bears a description so specified for the food, is conspicuous and legible to an intending purchaser on or through the outside of the vending machine.

*Prohibition of references to prophylactic or therapeutic properties*

**8.** No person shall—

- (a) give with any food mentioned in regulation 5(5) sold by him any label, whether attached to or borne on the container or not, or display with any such food offered or exposed by him for sale any ticket or notice, or
- (b) publish, or be a party to the publication of, any advertisement for any food so mentioned,

which bears or includes any reference to a prophylactic or therapeutic property.

*Restriction on the use of citrus fruit in the preparation of fruit juice*

**9.** No person shall use as an ingredient in the preparation of any fruit juice any juice derived from citrus fruit other than juice derived from the endocarp thereof:

Provided that, in the preparation of lime juice, juice derived from the whole fruit may be used if the method of obtaining it reduces the proportion of constituents of the outer part of the fruit present in the juice to a minimum.

*Prohibition of use of direct heat*

**10.** No person shall use in the preparation of any concentrated fruit juice or dried fruit juice mentioned in regulation 5(5) any process or treatment which involves the application of direct heat.

*Permitted additional ingredients in fruit juice, concentrated fruit juice, dried fruit juice and fruit nectar*

**11.** No person shall sell, consign or deliver any food mentioned in regulation 5(5) which contains any added ingredient:

Provided that—

- (a) fruit juice, concentrated fruit juice, dried fruit juice and fruit nectar may contain L-Ascorbic acid in so far as its use is permitted by the *Antioxidants in Food (Scotland) Regulations 1974(a)*, as amended (b);
- (b) fruit juice, concentrated fruit juice and dried fruit juice obtained in each case from apples may contain added sugar in a proportion, after dilution or reconstitution if appropriate, not exceeding 40 grammes per litre calculated as dry matter;

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(a) S.I. 1974/1339 (1974 II, p. 5093).

(b) There is no amendment which relates expressly to the subject matter of these regulations.



- (c) fruit juice, concentrated fruit juice and dried fruit juice obtained in each case from bergamots, blackcurrants, lemons, limes, redcurrants or whitecurrants may contain added sugar in a proportion, after dilution or reconstitution if appropriate, not exceeding 200 grammes per litre calculated as dry matter;
- (d) fruit juice, concentrated fruit juice and dried fruit juice other than any such juice which is obtained from grapes or pears or which is mentioned in paragraph (b) or (c) of this proviso may contain added sugar in a proportion, after dilution or reconstitution if appropriate, not exceeding 100 grammes per litre calculated as dry matter;
- (e) any fruit juice or concentrated fruit juice specified in column 1 of Schedule 3 may contain the permitted preservative sulphur dioxide in the proportion specified in relation thereto in column 2 of that Schedule;
- (f) any fruit juice, concentrated fruit juice or fruit nectar specified in column 1 of Schedule 4 may contain added permitted acid of the description and in the proportion specified in relation thereto in columns 2 and 3 respectively of that Schedule, so however that—
- (i) the fruit nectars referred to in items 3 and 4 of column 1 of that Schedule may contain in place of citric acid an equivalent amount of lemon juice, and
  - (ii) no fruit juice or concentrated fruit juice shall contain both added sugar and added permitted acid;
- (g) any fruit juice, concentrated fruit juice or fruit nectar specified in column 1 of Schedule 4 in relation to which two or more added permitted acids are specified in column 2 of that Schedule may contain a mixture of these acids if, when the quantity of each such added acid is expressed as a percentage of the maximum quantity of that acid appropriate to that fruit juice, concentrated fruit juice or fruit nectar in accordance with that Schedule, the sum of those percentages does not exceed 100;
- (h) concentrated fruit juice, fruit juice derived from concentrated fruit juice and dried fruit juice may contain natural volatile components which have been collected from fruit juice obtained from fruit of the same species;
- (j) pineapple juice and concentrated pineapple juice may contain the permitted anti-foaming agent dimethylpolysiloxane in a proportion, after dilution if appropriate, of not more than 10 milligrammes per litre;
- (k) fruit juice and fruit nectar may contain carbon dioxide in so far as its use is permitted by the Miscellaneous Additives in Food (Scotland) Regulations 1974(a), as amended(b).

#### *Penalties*

**12.**—(1) If any person contravenes or fails to comply with any of the foregoing provisions of these regulations he shall be guilty of an offence under these regulations.

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(a) S.I. 1974/1338 (1974 II, p. 5059).

(b) There is no amendment which relates expressly to the subject matter of these regulations.

(2) Any person who is guilty of an offence under these regulations shall be liable—

(a) on summary conviction to—

- (i) a fine not exceeding £100 or to imprisonment for a term not exceeding 6 months, or to both such fine and imprisonment; and
- (ii) in the case of a continuing offence, to a further fine not exceeding £10 for every day during which the offence is continued; or

(b) on conviction on indictment to—

- (i) a fine not exceeding £500 or to imprisonment for a term not exceeding one year or to both such fine and imprisonment; and
- (ii) in the case of a continuing offence, to a further fine not exceeding £50 for every day during which the offence is continued.

#### *Enforcement*

**13.** Each regional and islands council shall enforce and execute the provisions of these regulations within their area.

#### *Defences*

**14.—(1)** In any proceedings for an offence against these regulations in relation to the publication of an advertisement, it shall be a defence for the accused to prove that, being a person whose business it is to publish or arrange for the publication of advertisements, he received the advertisement for publication in the ordinary course of business and did not himself make, or cause to be made, any material alteration in the substance of that advertisement.

(2) In any proceedings against the manufacturer or importer of any fruit juice, concentrated fruit juice, dried fruit juice, fruit nectar, or other food, for an offence against these regulations in relation to the publication of an advertisement, it shall rest on the accused to prove that he did not publish, and was not a party to the publication of, the advertisement.

#### *Application of various sections of the Act*

**15.—(1)** Sections 41(2) and (5) (proceedings), 42(1), (2) and (3) (evidence of certificates of analysis), 44 (power of a court to require analysis by the Government Chemist), 46(2) (conditions under which a warranty may be pleaded as a defence) and 47 (offences in relation to warranties and certificates of analysis) of the Act shall apply for the purposes of these regulations as if references therein to proceedings, or a prosecution, under or taken under the Act included references to proceedings, or a prosecution as the case may be, taken for an offence against these regulations and in addition as if—

- (a) in the case of section 44(1) of the Act, the reference therein to section 41(5) of the Act included a reference to said section 41(5) as applied by these regulations; and
- (b) in the case of section 47(1) and (2) of the Act, the references therein to an offence against the Act included references to an offence against these regulations.

(2) Section 41(4) of the Act shall apply for the purposes of these regulations as if the reference therein to section 47 of the Act included a reference to said section 47 as applied by these regulations.

*Amendment of the Soft Drinks (Scotland) Regulations 1964*

**16.** The Soft Drinks (Scotland) Regulations 1964(a), as amended (b), shall be further amended as follows:—

- (a) by deleting in regulation 2(1) thereof the definition of fruit juice;
- (b) by substituting in the definition of soft drink in regulation 2(1) thereof for the item “(iii) fruit juice, sweetened or unsweetened, whether concentrated or frozen or not;” the item “(iii) fruit juice, concentrated fruit juice, dried fruit juice or fruit nectar as defined in the Fruit Juices and Fruit Nectars (Scotland) Regulations 1977;”.

*Amendment of the Lead in Food (Scotland) Regulations 1961*

**17.** The Lead in Food (Scotland) Regulations 1961(c), as amended (b), shall be further amended as follows:—

- (a) by deleting in regulation 2(1) thereof the definition of fruit juice;
- (b) by substituting in regulation 2(1) thereof for the definition of soft drink the following definition:—
  - “‘soft drink’ has the meaning assigned to it by the Soft Drinks (Scotland) Regulations 1964, as amended;”.

*Amendment of the Preservatives in Food (Scotland) Regulations 1975*

**18.** The Preservatives in Food (Scotland) Regulations 1975(d), as amended(e), shall be further amended as follows:—

- (a) by inserting after the definition of compounded food in regulation 2(1) thereof the following definition: —
  - “‘concentrated fruit juice’ has the meaning assigned to it by the Fruit Juices and Fruit Nectars (Scotland) Regulations 1977;”;
- (b) by substituting for the definition of fruit juice the following definition: —
  - “‘fruit juice’ has the meaning assigned to it by the Fruit Juices and Fruit Nectars (Scotland) Regulations 1977;”;
- (c) by substituting in paragraph (c) of the proviso to regulation 4(1) thereof for the words “(but excluding any pre-packed food or any specified sugar product)” the words “(but excluding any pre-packed food, any specified sugar product or any fruit juice or concentrated fruit juice specified at item 1 or 2 in column 1 of Schedule 3 to the Fruit Juices and Fruit Nectars (Scotland) Regulations 1977)”;

(a) S.I. 1964/767 (1964 II, p. 1634).

(b) There is no amendment which relates expressly to the subject matter of these regulations.

(c) S.I. 1961/1942 (1961 III, p. 3650).

(d) S.I. 1975/1598 (1975 III, p. 5514).

(e) The relevant amending instrument is S.I. 1976/1910 (1976 III, p. 5115).

(d) by substituting in Schedule 2 thereto for the item relating to fruit juices, sweetened or unsweetened whether concentrated or not the following item:—

“ Column 1	Column 2	Column 3
<i>Specified Food</i>	<i>Permitted Preservative</i>	<i>Except where otherwise stated, milligrams per kilogram not exceeding—</i>
Fruit juices: Any fruit juice or concentrated fruit juice mentioned in regulation 5(5) of the Fruit Juices and Fruit Nectars (Scotland) Regulations 1977  Any other fruit juice or concentrated fruit juice	Sulphur dioxide  Sulphur dioxide or benzoic acid or methyl 4-hydroxybenzoate or ethyl 4-hydroxybenzoate or propyl 4-hydroxybenzoate	As prescribed by the Fruit Juices and Fruit Nectars (Scotland) Regulations 1977  350 800 800 800 800     ”

*Amendment of the Labelling of Food (Scotland) Regulations 1970*

19. The Labelling of Food (Scotland) Regulations 1970(a), as amended (b), shall be further amended by adding at the end of regulation 4 thereof the following paragraph:—

“(6) The provisions of Part II of these regulations shall not apply to any food mentioned in regulation 5(5) of the Fruit Juices and Fruit Nectars (Scotland) Regulations 1977, except in so far as that Part relates to a list of ingredients.”

*Transitional provisions*

20. Until 17th November 1978, Part II of the Labelling of Food (Scotland) Regulations 1970, as amended, except in so far as that Part relates to a list of ingredients, shall not apply to any sale or delivery of any food mentioned in regulation 5(5) which complies with these regulations or in relation to any label, ticket, notice or advertisement which so complies.

*Bruce Millan,*

One of Her Majesty's Principal Secretaries of State.

New St Andrew's House,  
Edinburgh.

13th June 1977.

(a) S.I. 1970/1127 (1970 II, p. 3559).

(b) The relevant amending instruments are S.I. 1972/1790, 1976/1176 (1972 III, p. 5163; 1976 II, p. 3316).

## SCHEDULE 1

Regulation 2(1)

MINIMUM QUANTITY OF ACID AND JUICE OR PURÉE  
OR BOTH REQUIRED IN FRUIT NECTAR

Column 1	Column 2	Column 3
<i>Fruit from which the product is obtained</i>	<i>Minimum quantity of acid expressed as tartaric acid and in grammes per litre of the finished product</i>	<i>Minimum quantity of juice or purée or of juice and purée expressed as a percentage of the weight of the finished product</i>
1. Apricots ... ..	6	40
Azeroles (Neapolitan medlars) ...	8	30
Bilberries ... ..	7	40
Blackberries ... ..	6	40
Blackcurrants ... ..	8	25
Cherries (other than sour cherries)	6	40
Cranberries ... ..	9	30
Elderberries ... ..	7	50
Gooseberries ... ..	9	30
Guavas ... ..	6	25
Mulberries ... ..	6	40
Passion fruit ( <i>passiflora edulis</i> )...	8	25
Plums ... ..	6	30
Quetsches ... ..	6	30
Quinces ... ..	7	50
Raspberries ... ..	7	40
Redcurrants ... ..	8	25
Rose hips (fruits of the species <i>rosa</i> ) ... ..	8	40
Rowanberries ... ..	8	30
Sallowthorn berries ... ..	9	25
Sloes ... ..	8	30
Sour cherries ... ..	8	35
Strawberries ... ..	5	40
Whitecurrants ... ..	8	25
Any other fruit with highly acid juice inedible in the natural state	—	25
2. Apples ... ..	6	50
Citrus fruits other than any citrus fruit provided for in item 1 of this column ... ..	7	50
Peaches ... ..	4	45
Pears ... ..	6	50
Any other fruit with juice edible in the natural state ... ..	—	50

Regulation 2(1)

SCHEDULE 2  
DEFINITION OF "SUGAR"

PART I

*For the purposes of the preparation of dried fruit juice or fruit juice other than fruit juice obtained from concentrated fruit juice*

Dextrose anhydrous  
Dextrose monohydrate  
Dried glucose syrup  
Extra white sugar  
Fructose  
Semi-white sugar  
White sugar

PART II

*For the purposes of the preparation of concentrated fruit juice, fruit juice obtained from concentrated fruit juice or fruit nectar*

Any product specified in Part I of this Schedule  
Glucose syrup  
Invert sugar solution  
Invert sugar syrup  
Sucrose solution  
Sugar solution

PART III

*Interpretation of Parts I and II of this Schedule*

In Parts I and II of this Schedule—

“dextrose anhydrous”, “dextrose monohydrate”, “dried glucose syrup”, “extra white sugar”, “semi-white sugar”, “white sugar”, “glucose syrup”, “invert sugar solution”, “invert sugar syrup” and “sugar solution” have the respective meanings assigned to them by the Specified Sugar Products (Scotland) Regulations 1976(a);

“fructose” means purified and crystallized D-fructose;

“sucrose solution” means an aqueous solution of sucrose having the following characteristics:—

- (a) a dry matter content of not less than 62 per centum by weight;
- (b) an invert sugar content of not more than 3 per centum by weight of the dry matter and a ratio of fructose to dextrose in the invert sugar of  $1.0 \pm 0.2$ ;
- (c) a conductivity ash content of not more than 0.3 per centum by weight of the dry matter determined according to the method of analysis referred to in item (2) of Schedule 2 to the Specified Sugar Products (Scotland) Regulations 1976;
- (d) a colour in solution of not more than 75 units determined according to the method of analysis referred to in item (3) of Schedule 2 to the Specified Sugar Products (Scotland) Regulations 1976;
- (e) a residual sulphur dioxide content of not more than 15 milligrammes per kilogramme of the dry matter.

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(a) S.I. 1976/946 (1976 II, p. 2462).

SCHEDULE 3 *Regulation 11*  
 PERMITTED SULPHUR DIOXIDE CONTENT OF FRUIT JUICE AND  
 CONCENTRATED FRUIT JUICE

Column 1	Column 2
<i>Fruit juice or concentrated fruit juice</i>	<i>Milligrammes of the permitted preservative sulphur dioxide per kilogramme not exceeding—</i>
1. Fruit juice and concentrated fruit juice obtained in each case from apples, grapefruit, oranges or pine-apples ... ..	50
2. Fruit juice and concentrated fruit juice obtained in each case from grapes ... ..	50, or after 17th November, 1979, 10
3. Fruit juice and concentrated fruit juice obtained in each case from lemons or limes ... ..	350

SCHEDULE 4 *Regulation 11*  
 FRUIT JUICES, CONCENTRATED FRUIT JUICES AND FRUIT NECTARS WHICH  
 MAY CONTAIN ADDED PERMITTED ACID AND THE NATURE AND  
 PROPORTION OF ADDED PERMITTED ACID IN EACH CASE

Column 1	Column 2	Column 3
<i>Fruit juice, concentrated fruit juice or fruit nectar</i>	<i>Added permitted acid</i>	<i>Grammes per litre, after dilution if appropriate, not exceeding—</i>
1. Apple nectar	Lactic acid	5
2. Grape juice and concentrated grape juice	Citric acid	3
3. Peach nectar obtained exclusively from peach purée or concentrated peach purée or an admixture thereof	Citric acid or DL-Malic acid or L-Malic acid	5 3 3
4. Pear nectar obtained exclusively from pear purée or concentrated pear purée or an admixture thereof	Citric acid or Lactic acid or DL-Malic acid or L-Malic acid	5 5 3 3
5. Pear nectar other than pear nectar obtained exclusively from pear purée or concentrated pear purée or an admixture thereof	Lactic acid	5
6. Pineapple juice and concentrated pineapple juice	Citric acid or DL-Malic acid or L-Malic acid	3 3 3

## EXPLANATORY NOTE

*(This Note is not part of the Regulations.)*

These Regulations come into operation on 17th November 1978, except for Regulations 2 and 20 which come into operation on 21st July 1977. The Regulations implement Council Directive No. 75/726/EEC (OJ No. L 311, 1.12.75, p. 40) on the approximation of the laws of the Member States concerning fruit juices and certain similar products.

## The Regulations—

- (a) prescribe definitions for fruit juice, concentrated fruit juice, dried fruit juice and fruit nectar (Regulation 2 and Schedule 1);
- (b) subject to specified exceptions, prohibit the labelling and advertisement with specified descriptions of foods other than the foods to which the descriptions relate (Regulation 4);
- (c) require specified fruit juices, concentrated fruit juices, dried fruit juices and fruit nectars when sold in containers to be labelled with specified descriptions and declarations and prescribe the manner of marking or labelling to be employed (Regulations 5 and 6);
- (d) impose requirements as to the advertisement of specified fruit juices, concentrated fruit juices, dried fruit juices and fruit nectars for sale from vending machines (Regulation 7);
- (e) prohibit references to prophylactic or therapeutic properties in respect of specified fruit juices, concentrated fruit juices, dried fruit juices and fruit nectars (Regulation 8);
- (f) impose a restriction on the use of citrus fruit as an ingredient in the preparation of fruit juice (Regulation 9);
- (g) prohibit the use of direct heat in the preparation of specified concentrated fruit juices and dried fruit juices (Regulation 10);
- (h) subject to prescribed limits, specify the added ingredients permitted in specified fruit juices, concentrated fruit juices, dried fruit juices and fruit nectars (Regulation 11 and Schedules 3 and 4);
- (j) make consequential amendments to the Soft Drinks (Scotland) Regulations 1964, as amended, the Lead in Food (Scotland) Regulations 1961, as amended, the Preservatives in Food (Scotland) Regulations 1975, as amended and the Labelling of Food (Scotland) Regulations 1970, as amended (Regulations 16, 17, 18 and 19).

The Regulations do not apply to any fruit juice, concentrated fruit juice, dried fruit juice and fruit nectar intended for export or supplied for consumption by Her Majesty's forces or a visiting force, nor, subject to specified exceptions, do they apply to any concentrated fruit juice specially prepared for infants and children or any unfermented grape juice product intended exclusively for sacramental use, provided specified labelling requirements are satisfied (Regulation 3).





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