

1990 No. 2180 (S.188)

FOOD

COMPOSITION AND LABELLING

**The Jam and Similar Products (Scotland) Amendment
Regulations 1990**

<i>Made - - - -</i>	<i>30th October 1990</i>
<i>Laid before Parliament</i>	<i>12th November 1990</i>
<i>Coming into force</i>	
<i>For the purposes of regulations 1 and 12</i>	<i>3rd December 1990</i>
<i>For all other purposes</i>	<i>31st December 1990</i>

The Secretary of State, in exercise of the powers conferred on him by sections 4, 7, 56 and 56A of the Food and Drugs (Scotland) Act 1956(a), and of all other powers enabling him in that behalf, and after consultation in accordance with section 56(6) of the said Act with such organisations as appear to him to be representative of interests substantially affected by the Regulations, hereby makes the following Regulations:

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Jam and Similar Products (Scotland) Amendment Regulations 1990 and shall come into force for the purposes of this regulation and regulation 12 on 3rd December 1990, and for all other purposes on 31st December 1990.

(2) In these Regulations “the principal Regulations” means the Jam and Similar Products (Scotland) Regulations 1981(b).

Amendment of the principal Regulations

2. The principal Regulations shall be amended in accordance with regulations 3 to 11 of these Regulations.

3. In regulation 2(1) (interpretation)—

(a) after the definition of “chestnut” there shall be inserted the following definitions:—

“concentrated fruit juice” means juice which has been obtained from fruit by mechanical processes or from fruit other than apricots, citrus fruits, grapes, peaches, pears or pineapples by diffusion processes, and which has been concentrated by the removal of part of its water, but does not include dried fruit juice;

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

(a) 1956 c.30; section 4(1) was amended by the European Communities Act 1972 (c.68), Schedule 4, paragraph 3(1); sections 7 and 56 were amended by the Weights and Measures Act 1963 (c.31), Schedule 9, Parts I and II; section 56 was also amended by the Criminal Justice Act 1982 (c.48), Schedule 15, paragraph 8 and by the Law Reform (Miscellaneous Provisions) (Scotland) Act 1985 (c.73), section 41 and is to be read with section 289GA(2) of the Criminal Procedure (Scotland) Act 1975 (c.21) as inserted by section 66 of the Criminal Justice (Scotland) Act 1987 (c.41); section 56A was added by the European Communities Act 1972, Schedule 4, paragraph 3(2).
(b) S.I. 1981/1320, amended by S.I. 1982/1779, 1983/270, 1983/1497, 1985/1068, 1988/2084, 1989/581.

- (b) for the definition of "fruit" there shall be substituted:-
 "“fruit” includes carrots, ginger, rhubarb and sweet potatoes;”;
- (c) for the definition of "fruit curd" there shall be substituted:-
 "“fruit curd” means the food described in column 2 of items 11 and 11A in Schedule 1;”;
- and
- (d) for the definition of "fruit juice" there shall be substituted:-
 "“fruit juice” means-
- (a) specified fruit juice, that is to say any one or combination of -
- (i) the food consisting of fermentable but unfermented juice which 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;
- (ii) juice which is obtained from concentrated fruit juice by the addition of water and has the organoleptic and analytical characteristics of juice obtained from fruit of the same kind by mechanical processes; and
- (iii) concentrated fruit juice; or
- (b) dried fruit juice.”

4. After regulation 7 (list of ingredients) there shall be inserted the following new regulation:-

“7A.—(1) Where any jam, jelly, marmalade, reduced sugar product, UK standard jelly, fruit curd, fruit flavour curd or mincemeat has a residual sulphur dioxide content of more than 30 milligrams per kilogram, then, in addition to any particular required to be identified in a list of ingredients by the Food Labelling (Scotland) Regulations 1984(a), that residual content shall be identified in the list of ingredients according to the percentage by weight of the residue in the product as “sulphur dioxide”.

(2) The residual sulphur dioxide content of any food to which paragraph (1) of this regulation applies is the total sulphur dioxide remaining in each ingredient of that food after processing.”.

5. In regulation 8 (miscellaneous labelling requirements)-

(a) there shall be added at the beginning of paragraph (2) “Subject to paragraph (2A) of this regulation”;

(b) in paragraph (2), for “accurate to $\pm 3\%$ of the refractometer reading”, there shall be substituted “accurate to ± 3 refractometric degrees”; and

(c) there shall be added after paragraph (2):-

“2A. Paragraph (2) of this regulation shall not apply to a food which is specially made to fulfil the particular nutritional requirements of diabetics and whose labelling clearly indicates that it is intended for diabetics.”.

6.—(1) In regulation 11 (fruit), for paragraph (3), there shall be substituted:-

“(3) Subject to regulation 12, no person shall use in the preparation of any food described in column 2 of Schedule 1 any fruit juice which fails to comply with any requirements as to ingredients, processing and treatment of the Fruit Juices and Fruit Nectars (Scotland) Regulations 1977(b).”.

(2) The expression “fruit juice” shall be omitted from paragraph 4 of regulation 11.

7.—(1) In paragraph (2) of regulation 12 (authorised treatments and additives), for the words “sulphur dioxide”, there shall be substituted “any source of sulphur dioxide which is specified in Schedule 3”, and “sweetened” shall be added before the words “chestnut puree”.

(2) After paragraph (2) of that regulation there shall be added:-

“(2A) Ginger which has been dried or preserved in syrup may be used in the preparation of food described in column 2 of Schedule 1.

(a) S.I. 1984/1519.

(b) S.I. 1977/1026, as amended by S.I. 1977/1883, 1979/1641, 1981/137, 1982/1619, 1983/270 and 1989/581.

(2B) Citrus peel, with or without endocarp, which has been preserved in brine may be used in the preparation of extra jam, jam, marmalade, reduced sugar jam, reduced sugar marmalade, fruit curd, fruit flavour curd and mincemeat.

(2C) Subject to paragraph (2D) of this regulation, fruit juice to which has been added a substance, which by virtue of the Fruit Juices and Fruit Nectars (Scotland) Regulations 1977 may be contained in fruit juice intended for sale for consumption as such or after dilution or reconstitution (as the case may be), may be used in the preparation of any food described in column 2 of Schedule 1.

(2D) Fruit juice to which there has been added any source of sulphur dioxide which is specified in Schedule 3 may be used in the preparation of jelly, marmalade, reduced sugar jelly, reduced sugar marmalade, UK standard jelly, fruit curd, fruit flavoured curd and mincemeat.”

(3) The words “fruit juice” shall be omitted from paragraph (3) of regulation 12.

8. The words “sweetened chestnut puree” shall be substituted for “chestnut puree” in—

- (a) sub-paragraph (a) of regulation 15;
- (b) item 6 of Schedule 1;
- (c) note 2 to Schedule 1;
- (d) the fourth entry in column 2 of Part I of Schedule 2; and
- (e) the twelfth and seventeenth entries in column 2 of Part III of Schedule 2.

9. In Schedule 1 (composition)—

(a) for the entry in column 2 of item 11 there shall be substituted:—

“An emulsion of edible fat or oil (or both), sugar, whole egg or egg yolk (or both), and any combination of fruit, fruit pulp, fruit puree, fruit juice, aqueous extract of fruit or essential oils of fruit with or without other ingredients, such that—

- (a) the quantity of fat and oil used for every kilogram of the finished product is not less than 40 grams;
- (b) the quantity of whole egg and egg yolk used is such that every kilogram of the finished product contains not less than 6.5 grams of egg yolk solids;
- (c) the quantity of fruit, fruit pulp, fruit puree, fruit juice, aqueous extract of fruit, and essential oil of fruit is sufficient to characterise the finished product; and
- (d) the soluble solids content of the finished product, determined by refractometer at 20C, is not less than 65%.”;

(b) after item 11 there shall be added:—

“11A. Lemon cheese A food conforming to the description in item 11 above appropriate for lemon curd.”;

and

(c) for the entry in column 2 of item 12 there shall be substituted—

“An emulsion of edible fat or oil (or both), sugar, whole egg or egg yolk (or both), and flavouring material, with or without other ingredients, such that—

- (a) the quantity of fat and oil used for every kilogram of the finished product is not less than 40 grams;
- (b) the quantity of whole egg and egg yolk used is such that every kilogram of the finished product contains not less than 6.5 grams of egg yolk solids;
- (c) the quantity of flavouring material used is sufficient to characterise the product; and
- (d) the soluble solids content of the finished product, determined by refractometer at 20C, is not less than 65%.”.

10. In the notes to Schedule 1, there shall be added after note 1:—

“1A. In the description of extra jam, references to “fruit pulp” shall be read as if there were substituted “fruit pulp or fruit puree or both” in the case of a food in the preparation of which the only fruit used is rose hips.”.

11. In Part III of Schedule 2 (permitted additional ingredients)—

- (a) for the third entry in column 2 there shall be substituted:-
“Extra jam, jam, reduced sugar jelly or reduced sugar marmalade which, in each case, is made from rose hips, strawberries, raspberries, gooseberries, redcurrants or plums, or from any combination thereof.”;
- (b) for the twelfth entry in column 1 there shall be substituted “E440 Pectin and amidated pectin”, and in the corresponding entry in column 3, the words following the expression “10g/kg” to the end of the first sentence shall be omitted.

Transitional provisions

12. In any proceedings in respect of an act done before 31st December 1990 which is alleged to constitute an offence under the principal Regulations or under the Food Labelling (Scotland) Regulations 1984, the accused shall not be convicted unless the prosecution prove that such act would have constituted an offence if regulations 2 to 11 of these Regulations had been in force when the act was done.

St. Andrew's House, Edinburgh
30th October 1990

Strathclyde
Parliamentary Under Secretary of State,
Scottish Office

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations, which apply to Scotland only, further amend the Jam and Similar Products (Scotland) Regulations 1981 ("the principal Regulations"). These Regulations implement Council Directive 88/593/EEC (OJ No L318, 25.11.88, p.44) which amends Council Directive 79/693/EEC (OJ No. L205, 13.8.79, p.5) on the approximation of the laws of the Member States relating to fruit jams, jellies and marmalades and chestnut puree. The Regulations also make other provision for products to which the Directives do not apply.

The principal changes introduced by the Regulations are—

- (a) the definition of "fruit" is amended so as to include carrots and sweet potatoes (regulation 3);
- (b) the definition of "fruit juice" is amended so as to include concentrated and dried fruit juice (regulation 3);
- (c) the permitted treatments of and additions to fruit juice used in the preparation of the foods covered by the principal Regulations are defined by reference to the requirements of the Fruit Juices and Fruit Nectars (Scotland) Regulations 1977 (regulations 6 and 7);
- (d) a labelling requirement in relation to residual sulphur dioxide is prescribed for the foods, other than extra jam and extra jelly, covered by the principal Regulations (regulation 4);
- (e) foods for diabetics are excluded from the labelling requirement in relation to soluble solids content (regulation 5);
- (f) the prescribed name "sweetened chestnut puree" is substituted for "chestnut puree" (regulations 7(1) and 8);
- (g) changes are made as to the treatment of ingredients (regulation 7(2));
- (h) amended descriptions of the composition of fruit curd and fruit flavour curd are substituted in Schedule 1 of the principal Regulations (regulation 9);
- (i) the name "lemon cheese" is added to the list of names of foods in Schedule 1 of the principal Regulations (regulation 9);
- (j) to alter the permitted use of red fruit juice and pectin and amidated pectin as additional ingredients (regulation 11).

The changes made in the principal Regulations come into force on 31st December 1990. Until then regulation 12 provides that an accused shall not be convicted of an offence under the principal Regulations (in their unamended form) unless it is proved that his act would have constituted an offence had the amendments made by these Regulations been in force.