
STATUTORY INSTRUMENTS

1991 No. 1284

FOOD

The Fruit Juices and Fruit Nectars (England, Wales and Scotland)(Amendment) Regulations 1991

<i>Made</i>	- - - -	<i>16th May 1991</i>
<i>Laid before Parliament</i>		<i>6th June 1991</i>
<i>Coming into force</i>	- -	<i>28th June 1991</i>

The Minister of Agriculture, Fisheries and Food, the Secretary of State for Health and the Secretary of State for Wales, acting jointly, in relation to England and Wales and the Secretary of State for Scotland in relation to Scotland, in exercise of the powers conferred on them by sections 4(1), 6(4), 16(1)(a), (c) and (e), 26(1)(a) and (3) and 48(1) of the Food Safety Act 1990⁽¹⁾ and of all other powers enabling them in that behalf, hereby make the following Regulations after consultation in accordance with section 48 of the said Act with such organisations as appear to them to be representative of interests substantially affected by the Regulations:—

Title and commencement

1. These Regulations may be cited as the Fruit Juices and Fruit Nectars (England, Wales and Scotland) (Amendment) Regulations 1991 and shall come into force on 28th June 1991.

Amendment of the Fruit Juices and Fruit Nectars Regulations 1977 and the Fruit Juices and Fruit Nectars (Scotland) Regulations 1977

2.—(1) The Fruit Juices and Fruit Nectars Regulations 1977⁽²⁾ (“the English and Welsh Regulations”) and the Fruit Juices and Fruit Nectars (Scotland) Regulations 1977⁽³⁾ (“the Scottish Regulations”) shall be further amended in accordance with the following provisions of these Regulations.

(2) In these Regulations “the 1977 Regulations” means the English and Welsh Regulations and the Scottish Regulations.

Amendment of regulation 2

3. Regulation 2(1) (interpretation) of the 1977 Regulations shall be amended as follows—

(1) 1990 c. 16.

(2) S.I. 1977/927; the sole relevant amending instrument is S.I. 1982/1311.

(3) S.I. 1977/1026; the sole relevant amending instrument is S.I. 1982/1619.

- (a) for the definition of “fruit juice” substitute the following definition—
- ““fruit juice” means—
- (a) the food consisting of fermentable but unfermented juice which—
- (i) 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
- (ii) 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
- (iii) 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;
- (b) fruit puree where the nature of the fruit from which the juice is to be obtained is such that it is impossible to extract the juice without the pulp;”;
- (b) in the definition of “fruit nectar”—
- (i) insert immediately after the words “quantity of acid” the words “(if any)”;
- (ii) in sub-paragraph (b) delete the words “obtained exclusively from fruit puree or concentrated fruit puree or an admixture thereof”;
- (iii) delete sub-paragraph (c);
- (c) in the definition of “sell” insert immediately after the word “sell” the words “, save in relation to regulation 7(1A),”;
- (d) after the definition of “sugar” insert the following definition—
- (i) in the English and Welsh Regulations—
- ““ultimate consumer” has the meaning assigned to it by the Food Labelling Regulations 1984(4);”
- (ii) in the Scottish Regulations—
- ““ultimate consumer” has the meaning assigned to it by the Food Labelling (Scotland) Regulations 1984(5);”.

Amendment of regulation 7

- 4. Regulation 7 (miscellaneous labelling) of the 1977 Regulations shall be amended—**
- (a) by substituting for paragraph (1) thereof the following paragraph—
- “(1) No person shall sell—
- (a) any fruit juice or dried fruit juice which, in accordance with paragraph (b), (c) or (d) of the proviso to regulation 11(1), contains any added sugar in excess of 15 grammes per litre, or
- (b) any concentrated fruit juice which in accordance with paragraph (b), (c) or (d) of the proviso to regulation 11(1) contains any added sugar,
- unless the food is marked or labelled with the word “sweetened” followed by a declaration of the maximum added sugar content of the food in grammes per litre, so, however, that the content declared shall not exceed the actual content by more than 15 per cent of the actual content.”;
- (b) by inserting after paragraph (1) the following new paragraph—

(4) S.I. 1984/1305, to which there are amendments not relevant to these Regulations.

(5) S.I. 1984/1519, to which there are amendments not relevant to these Regulations.

“(1A) No person shall sell any concentrated fruit juice which, in accordance with paragraph (m) of the proviso to regulation 11(1), contains any added sugar unless at the time of that sale the purchaser has been notified that sugar has been added to the concentrated fruit juice.”;

(c) by substituting for paragraph (9) thereof the following paragraph—

(i) in the English and Welsh Regulations—

“(9) In this regulation “catering establishment” has the meaning assigned to it by the Food Labelling Regulations 1984.”.

(ii) in the Scottish Regulations—

“(9) In this regulation “catering establishment” has the meaning assigned to it by the Food Labelling (Scotland) Regulations 1984.”.

Amendment of regulation 8A

5. Regulation 8A (degree of concentration of concentrated fruit juice) of the 1977 Regulations shall be amended by deleting paragraph (2).

Amendment of regulation 11

6. The proviso to regulation 11(1) of the 1977 Regulations (which permits additional ingredients) shall be amended as follows—

(a) in sub-paragraph (f)(i) substitute “items 1A, 3, 4 and 5A of column 1” for “items 3 and 4 of column 1”;

(b) insert the following new sub-paragraphs after sub-paragraph (k)—

“(l) for the purposes of sub-paragraph (b), (c) and (d) of this paragraph “concentrated fruit juice” shall mean concentrated fruit juice which has been prepackaged for sale to the ultimate consumer;

(m) concentrated orange juice which is not prepackaged and not intended for sale to the ultimate consumer may contain added sugar in a proportion after dilution to its pre-concentrated strength not exceeding 15 grammes per litre calculated as dry matter.”.

Replacement of Schedule 1

7. For Schedule 1 to the 1977 Regulations (which specifies minimum quantities) there shall be substituted the new Schedule 1 set out in the Schedule to these Regulations.

Amendment of Schedule 4

8. Schedule 4 to the 1977 Regulations (which permits the addition of types of acid) shall be amended as follows—

(a) in item 1 insert after “Apple nectar” the words “other than apple nectar obtained exclusively from apple puree or concentrated apple puree or an admixture thereof”;

(b) insert the following item immediately after item 1—

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

“In column 1 (fruit juice, concentrated fruit juice or fruit nectar)	In column 2 (added permitted acid)	In column 3 (grammes per litre after dilution if appropriate, not exceeding)
1A. Apple nectar obtained exclusively from apple puree or concentrated apple puree or an admixture thereof	Citric acid	5”;

(c) insert the following item between existing items 5 and 6—

“In column 1 (fruit juice, concentrated fruit juice or fruit nectar)	In column 2 (added permitted acid)	In column 3 (grammes per litre after dilution if appropriate, not exceeding)
5A. Any admixture of the fruit nectars referred to in items 1A, 3 and 4 of this Schedule	Citric acid	5”.

In witness whereof the Official Seal of the Minister of Agriculture, Fisheries and Food is hereunto affixed on 15th May 1991.

L.S.

John Selwyn Gummer
Minister of Agriculture, Fisheries and Food

Stephen Dorrell
Parliamentary Under Secretary of State for
Health

15th May 1991

David Hunt
Secretary of State for Wales

16th May 1991

Strathclyde
Parliamentary Under Secretary of State, Scottish
Office

15th May 1991

SCHEDULE

Regulation 7

NEW SCHEDULE 1 TO THE FRUIT JUICES AND FRUIT NECTARS REGULATIONS 1977

“SCHEDULE 1

Regulation 2(1)

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

Column 1 Fruit from which the product is obtained	Column 2 Minimum quantity of acid expressed as tartaric acid and in grammes per litre of the finished product	Column 3 Minimum quantity of juice or puree or of juice and puree expressed as a percentage of the weight of the finished product
1. Apricots	3	40
Bilberries	4	40
Blackberries	6	40
Blackcurrants	8	25
Cherries (other than sour cherries)	6	40
Cranberries	9	30
Elderberries	7	50
Gooseberries	9	30
Lemons	—	25
Limes	—	25
Mulberries	6	40
Passion fruit (<i>Passiflora edulis</i>)	8	25
Plums	6	30
Quetsches	6	30
Quinces	7	50
Quito Naranjillos (<i>Solanum quitoense</i>)	5	25
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

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Column 1 Fruit from which the product is obtained	Column 2 Minimum quantity of acid expressed as tartaric acid and in grammes per litre of the finished product	Column 3 Minimum quantity of juice or puree or of juice and puree expressed as a percentage of the weight of the finished product
Strawberries	5	40
Whitecurrants	8	25
Any other fruit with acid juice unpalatable in the natural state	—	25
2. Azeroles (Neopolitan Medlars)	—	25
Bananas	—	25
Bullock's Heart (Custard Apple) (<i>Annona reticulata</i>)	—	25
Cashew fruits	—	25
Guavas	—	25
Lychees	—	25
Mangoes	—	35
Papayas	—	25
Pomegranates	—	25
Soursop (<i>Annona muricata</i>)	—	25
Spanish Plums (<i>Spondia purpurea</i>)	—	25
Sugar Apples	—	25
Umbu (<i>Spondias tuberosa aroda</i>)	—	30
Any other low acid, pulpy or highly flavoured fruit with juice unpalatable in the natural state	—	25
3. Apples	3	50
Peaches	3	45
Pears	3	50
Pineapples	4	50
Citrus fruits other than lemons and limes	5	50
Any other fruit with juice palatable in the natural state	—	50"

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Fruit Juices and Fruit Nectars Regulations 1977 and the Fruit Juices and Fruit Nectars (Scotland) Regulations 1977.

The principal provisions of these Regulations—

- (a) extend the definition of fruit juice to include fruit puree in instances of fruits whose juice cannot be separated from pulp (regulation 3);
- (b) allow the substitution of honey for sugar in all fruit nectars (also regulation 3);
- (c) prohibit the use of an admixture of sugar and honey in the production of the fruit nectars in which it was previously allowed (also regulation 3);
- (d) prohibit the addition of sugar to concentrated fruit juice except either that which is prepackaged for sale to the ultimate consumer or concentrated orange juice (regulation 6);
- (e) extend the requirement to label concentrated juice for sale to the ultimate consumer as “sweetened” whenever any sugar is added (regulation 4);
- (f) require in addition that any purchaser of concentrated orange juice, who is not the ultimate consumer, be notified if sugar has been added (also regulation 4);
- (g) extend the use of citric acid in fruit nectars to include nectar made exclusively from fruit puree or concentrated fruit puree of apples or of an admixture of apples, peaches and pears (regulation 8).

The amendments prescribed are made in implementation of Council Directive No. [89/394/EEC](#) (OJ No. L186, 30.6.89, p.14) which amends for the third time Council Directive No. [75/726/EEC](#) (OJ No. L311, 1.12.75, p.40) on the approximation of the laws of the Member States concerning fruit juices and similar products.