
STATUTORY INSTRUMENTS

1995 No. 3123

FOOD

The Sweeteners in Food Regulations 1995

Made - - - - *3rd December 1995*
Laid before Parliament *11th December 1995*
Coming into force - - *1st January 1996*

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 6(4), 16(1) (a) and (e), 17(1), 26(1) and (3) and 48(1) of, and paragraph 1 of Schedule 1 to, 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(4) of the said Act with such organisations as appear to them to be representative of interests likely to be substantially affected by the Regulations:

Title and commencement

1. These Regulations may be cited as the Sweeteners in Food Regulations 1995, and shall come into force on 1st January 1996.

Interpretation

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

“the Act” means the Food Safety Act 1990;

“Directive 94/35/EC” means European Parliament and Council Directive 94/35/EC⁽²⁾ on sweeteners for use in foodstuffs;

“Directive 95/31/EC” means Commission Directive 95/31/EC⁽³⁾ laying down specific criteria of purity concerning sweeteners for use in foodstuffs;

“food” means food sold, or intended for sale, for human consumption, and in regulation 6 and for the purposes of regulation 9 includes a sweetener;

“food additive” means any substance not normally consumed as a food in itself and not normally used as a characteristic ingredient of food, whether or not it has nutritive value,

(1) 1990 c. 16; “the Ministers” is defined in section 4(1) of the Act; section 6(4)(a) of the Act was amended by the Deregulation and Contracting Out Act 1994 (c. 40), Schedule 9, paragraph 6.
(2) OJ No. L237, 10.9.94, p.3.
(3) OJ No. L178, 28.7.95, p.1.

the intentional addition of which to food for a technological purpose in the manufacture, processing, preparation, treatment, packaging, transport or storage of such food results, or may reasonably be expected to result, in it or its by-products becoming directly or indirectly a component of such foods;

“infants” means children under the age of twelve months;

“member State” means a member State of the European Community;

“permitted sweetener” means any sweetener specified in Column 2 of Schedule 1 which satisfies the specific purity criteria for that sweetener set out in the annex to Directive [95/31/EC](#);

“sell” includes possess for sale, and offer, expose or advertise for sale, and “sale” and “sold” shall be construed accordingly;

“sweetener” means any food additive which is used or intended to be used—

- (a) to impart a sweet taste to food, or
- (b) as a table-top sweetener;

“young children” means children aged between one and three years,

and other expressions used in these Regulations and in Directive [94/35/EC](#) have, in so far as the context admits, the same meaning as they bear in that Directive.

(2) Any reference in these Regulations to a numbered regulation or Schedule shall, unless the context otherwise requires, be construed as a reference to the regulation or Schedule bearing that number in these Regulations.

(3) In Schedule 1—

- (a) in Column 3, the description “with no added sugar” means that the food to which it refers does not contain any—
 - (i) added monosaccharide,
 - (ii) added disaccharide,
 - (iii) other added food used for its sweetening properties;
- (b) in Column 3, the description “energy-reduced” means that the food to which it refers has an energy value reduced by at least 30 per cent compared with the original or a similar food;
- (c) in Column 4, the maximum usable dose indicated in relation to a food is the maximum amount, in milligrams, of permitted sweetener per kilogram or, as the case may be, per litre of that food which is ready to eat having been prepared according to any instructions for use;
- (d) in Column 4, “quantum satis” means that no maximum level of permitted sweetener in or on a corresponding food is specified but that in or on such food a permitted sweetener may be used in accordance with good manufacturing practice at a level not higher than is necessary to achieve the intended purpose and provided that such use does not mislead the consumer.

Sale and use of sweeteners

3.—(1) Subject to regulation 4, no person shall sell any sweetener which is intended—

- (a) for sale to the ultimate consumer, or
- (b) for use in or on any food,

other than a permitted sweetener.

(2) No person shall use in or on any food any sweetener other than a permitted sweetener.

(3) Subject to paragraph (4) below, no person shall use any permitted sweetener in or on any food listed in Column 3 of Schedule 1 other than a permitted sweetener listed in relation to that food in Column 2 of Schedule 1 in an amount not exceeding the maximum usable dose for such permitted sweetener in or on such food as listed in Column 4 of Schedule 1.

(4) No person shall use any permitted sweetener in or on any food for infants or young children as specified in Council Directive [89/398/EEC](#)(4) on the approximation of the laws of the Member States relating to foodstuffs intended for particular nutritional uses.

Sale of table-top sweeteners

4. No person shall sell any table-top sweetener unless—
- (a) it contains no sweetener other than a permitted sweetener, and
 - (b) it is marked or labelled—
 - (i) with the description “x-based table-top sweetener”, substituting for x the name of any permitted sweetener which it contains,
 - (ii) where it contains polyols, with the warning “excessive consumption may induce laxative effects”, and
 - (iii) where it contains aspartame, with the warning “contains a source of phenylalanine”.

Sale of food containing sweeteners

5. No person shall sell any food having in it or on it any added sweetener other than a permitted sweetener which has been used in or on that food without contravening any of the provisions of paragraphs (2), (3) and (4) of regulation 3.

Condemnation of food

6. Where any food is certified by a food analyst as being food which it is an offence against these Regulations to sell, that food may be treated for the purposes of section 9 of the Act (under which food may be seized and destroyed on the order of a justice of the peace) as failing to comply with food safety requirements, and section 8(3) shall apply for the purposes of these Regulations as it applies for the purposes of the Act.

Offences, penalties and enforcement

7.—(1) If any person contravenes or fails to comply with any of the provisions of these Regulations he shall be guilty of an offence, and liable on summary conviction to a fine not exceeding level 5 on the standard scale.

(2) Where an offence under these Regulations is committed in Scotland by a Scottish partnership and is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of, a partner, he as well as the partnership shall be guilty of the offence and be liable to be proceeded against and punished accordingly.

(3) Subject to paragraph (4) below, each food authority shall enforce and execute these Regulations in its area.

- (4) In this regulation “food authority” does not include—
- (a) the council of a district in a non-metropolitan county in England except where the county functions have been transferred to that council pursuant to a structural change;
 - (b) until 1st April 1996, the council of a district in Wales; or

(4) OJ No. L186, 30.6.89, p.27.

- (c) the appropriate Treasurer referred to in section 5(1)(c) of the Act (which deals with the Inner Temple and the Middle Temple).

Defence in relation to exports

8. In any proceedings for an offence under these Regulations it shall be a defence for the person charged to prove—

- (a) that the food or, as the case may be, sweetener in respect of which the offence is alleged to have been committed was intended for export to a country which has legislation analogous to these Regulations and that such food or sweetener complies with that legislation; and
- (b) in the case of export to another member State, that the legislation complies with Council Directive [89/107/EEC](#)(5) on the approximation of the laws of the Member States concerning food additives authorised for use in foodstuffs intended for human consumption, Directive [94/35/EC](#) and Directive [95/31/EC](#).

Application of various provisions of the Food Safety Act 1990

9. The following provisions of the Act shall apply for the purposes of these Regulations as they apply for the purposes of section 8, 14 or 15 of the Act and, unless the context otherwise requires, any reference in them to the Act shall be construed for the purposes of these Regulations as a reference to these Regulations—

- (a) section 2 (extended meaning of “sale” etc.);
- (b) section 3 (presumption that food intended for human consumption);
- (c) section 20 (offences due to fault of another person);
- (d) section 21 (defence of due diligence);
- (e) section 22 (defence of publication in the course of business);
- (f) section 30(8) (which relates to documentary evidence);
- (g) section 33 (obstruction etc. of officers);
- (h) section 36 (offences by bodies corporate);
- (i) section 44 (protection of officers acting in good faith).

Revocations and amendments

10.—(1) The Regulations specified in Columns 1 and 2 of Schedule 2 shall be revoked to the extent specified in Column 3 of that Schedule.

(2) In paragraph (1) of regulation 2 (interpretation) of both the Jam and Similar Products Regulations 1981(6) and the Jam and Similar Products (Scotland) Regulations 1981(7), for the definition of “permitted sweetener” there shall be substituted the following definition—

““permitted sweetener” means any sweetener in so far as its use is permitted by the Sweeteners in Food Regulations 1995;”.

(3) In the definition of “additive” in paragraph (1) of regulation 2 (interpretation) of both—

- (a) the Meat Products and Spreadable Fish Products Regulations 1984(8), for the words “the Sweeteners in Food Regulations 1983”, and

(5) OJ No. L40, 11.2.89, p.27.

(6) S.I. 1981/1063; relevant amendment is S.I. 1983/1211.

(7) S.I. 1981/1320; relevant amendment is S.I. 1983/1497.

(8) S.I. 1984/1566, to which there are amendments not relevant to these Regulations.

(b) the Meat Products and Spreadable Fish Products (Scotland) Regulations 1984⁽⁹⁾, for the words “the Sweeteners in Food (Scotland) Regulations 1983”,

there shall be substituted, in each case, the words “the Sweeteners in Food Regulations 1995”.

(4) In the Food Additives Labelling Regulations 1992⁽¹⁰⁾, in Part II of Schedule 1 (categories of food additives), in subparagraph (n), for the date “1983” there shall be substituted the date “1995”.

Transitional provision and exemption

11.—(1) In any proceedings for an offence against these Regulations it shall be a defence to prove that—

- (a) (i) the act was committed before 30th June 1996, or
- (ii) the act was that of selling a sweetener or a food which, in either case, was put on the market or labelled before 30th June 1996; and
- (b) the matters constituting the offence would not have constituted an offence under any Regulations now revoked or amended by these Regulations if those Regulations had been in operation (in the case of Regulations now being amended, as if such amendments had not been made) when the act was committed or the sweetener or, as the case may be, the food was put on the market or labelled.

(2) These Regulations shall not apply to any sweetener or, as the case may be, food which—

- (a) is brought into Great Britain before 30th June 1996 from a member State in which it was lawfully produced and sold or in which it was in free circulation and lawfully sold; and
- (b) is suitably labelled to give the nature of the sweetener or, as the case may be, the food.

(3) For the purpose of paragraph (2) above, “free circulation” shall be construed in accordance with Article 9.2 of the Treaty establishing the European Community.

3rd December 1995

Angela Browning
Parliamentary Secretary, Ministry of Agriculture,
Fisheries and Food

Signed by authority of the Secretary of State for Health:

17th November 1995

Cumberlege
Parliamentary Under Secretary of State,
Department of Health

⁽⁹⁾ S.I. 1984/1714, to which there are amendments not relevant to these Regulations.

⁽¹⁰⁾ S.I. 1992/1978.

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Signed by authority of the Secretary of State for Wales:

23rd November 1995

Rod Richards
Parliamentary Under Secretary of State, Welsh
Office

21st November 1995

Lindsay
Parliamentary Under Secretary of State, Scottish
Office

SCHEDULE 1

Regulations 2(1) and (3) and 3(3)

PERMITTED SWEETENERS AND THE FOODS IN OR ON WHICH THEY MAY BE USED

Column 1 EC No.	Column 2 Permitted sweetener	Column 3 Foods in or on which permitted sweeteners may be used	Column 4 Maximum usable dose
		Desserts and similar products	
	{	–Water-based flavoured desserts, energy-reduced or with no added sugar	}
	{	–Milk and milk-derivative-based preparations, energy-reduced or with no added sugar	}
	{	–Fruit and vegetable-based desserts, energy-reduced or with no added sugar	}
E 420	Sorbitol { (i) Sorbitol (ii) Sorbitol syrup	–Egg-based desserts, energy-reduced or with no added sugar	}
E 421	Mannitol {	–Cereal-based desserts, energy-reduced or with no added sugar	}
E 953	Isomalt {	–Breakfast cereals or cereal-based products, energy reduced or with no added sugar	} <i>quantum satis</i>
E 965	Maltitol { (i) Maltitol (ii) Maltitol syrup	–Fat-based desserts, energy-reduced or with no added sugar	}
E 966	Lactitol {	–Edible ices, energy-reduced or with no added sugar	}
E 967	Xylitol {	–Jams, jellies, marmalades and crystallized fruit, energy-reduced or with no added sugar	}
	{	–Fruit preparations, energy-reduced or	}

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Column 1 EC No.	Column 2 Permitted sweetener	Column 3 Foods in or on which permitted sweeteners may be used	Column 4 Maximum usable dose
		with no added sugar, with the exception of those intended for the manufacture of fruit-juice-based drinks	
		Confectionery	
	{	–Confectionery with no added sugar	}
	{	–Dried-fruit-based confectionery, energy-reduced or with no added sugar	}
	{	–Starch-based confectionery, energy-reduced or with no added sugar	}
	{	–Chewing gum with no added sugar	}
		Miscellaneous	
E420	{	–Cocoa-based products, energy-reduced or with no added sugar	}
E 421	{	–Cocoa-, milk-, dried fruitor fat-based sandwich spreads, energy-reduced or with no added sugar	}
E 953			
E 965	{	–Sauces	} <i>quantum satis</i>
E 966	{	–Mustard	}
E 967 (cont'd)	{	–Fine bakery products, energy-reduced or with no added sugar	}
	{	–Products intended for particular nutritional uses	}
	{	–Solid food supplements/dietary integrators	}
E 950	Acesulfame K	Non-alcoholic drinks	

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Column 1 EC No.	Column 2 Permitted sweetener	Column 3 Foods in or on which permitted sweeteners may be used	Column 4 Maximum usable dose
		–Water-based flavoured drinks, energy-reduced or with no added sugar	350 mg/l
		–Milk and milk-derivative-based or fruit-juice-based drinks, energy-reduced or with no added sugar	350 mg/l
		Desserts and similar products	
		–Water-based flavoured desserts, energy-reduced or with no added sugar	350 mg/kg
		–Milk and milk-derivative-based preparations, energy-reduced or with no added sugar	350 mg/kg
		–Fruit and vegetable-based desserts, energy-reduced or with no added sugar	350 mg/kg
		–Egg-based desserts, energy-reduced or with no added sugar	350 mg/kg
		–Cereal-based desserts, energy-reduced or with no added sugar	350 mg/kg
		–Fat-based desserts, energy-reduced or with no added sugar	350 mg/kg
		Confectionery	
		–Confectionery with no added sugar	500 mg/kg
		–Cocoa or dried-fruit-based confectionery, energy-reduced or with no added sugar	500 mg/kg

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Column 1 EC No.	Column 2 Permitted sweetener	Column 3 Foods in or on which permitted sweeteners may be used	Column 4 Maximum usable dose
		–Starch-based confectionery, energy-reduced or with no added sugar	1000 mg/kg
		–Chewing gum with no added sugar	2000 mg/kg
		Miscellaneous	
		–“Snacks”: certain flavours of ready to eat, prepacked, dry, savoury starch products and coated nuts	350 mg/kg
		–Cocoa-, milk-, dried-fruit or fat-based sandwich spreads, energy-reduced or with no added sugar	1000 mg/kg
		–Cider and perry	350 mg/l
		–Alcohol-free beer or with an alcohol content not exceeding 1.2% vol	350 mg/l
		–“Bière de table/ Tafelbier/Table beer” (original wort content less than 6%) except for “Obergäriges Einfachbier”	350 mg/l
		–Beers with a minimum acidity of 30 milli-equivalents expressed as NaOH	350 mg/l
		–Brown beers of the “oud bruin” type	350 mg/l
		–Edible ices, energy-reduced or with no added sugar	800 mg/kg
		–Canned or bottled fruit, energy-reduced or with no added sugar	350 mg/kg

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Column 1 EC No.	Column 2 Permitted sweetener	Column 3 Foods in or on which permitted sweeteners may be used	Column 4 Maximum usable dose
		–Energy-reduced jams, jellies and marmalades	1000 mg/kg
		–Energy-reduced fruit and vegetable preparations	350 mg/kg
		–Sweet-sour preserves of fruit and vegetables	200 mg/kg
		–Sweet-sour preserves and semi-preserves of fish and marinades of fish, crustaceans and molluscs	200 mg/kg
		–Sauces	350 mg/kg
		–Mustard	350 mg/kg
		–Fine bakery products for special nutritional uses	1000 mg/kg
		–Complete formulae for weight control intended to replace total daily food intake or an individual meal	450 mg/kg
		–Complete formulae and nutritional supplements for use under medical supervision	450 mg/kg
		–Liquid food supplements/dietary integrators	350 mg/l
		–Solid food supplements/dietary integrators	500 mg/kg
		–Vitamins and dietary preparations	2000 mg/kg
E951	Aspartame	Non-alcoholic drinks	
		–Water-based flavoured drinks, energy-reduced or with no added sugar	600 mg/l

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Column 1 EC No.	Column 2 Permitted sweetener	Column 3 Foods in or on which permitted sweeteners may be used	Column 4 Maximum usable dose
		–Milk and milk-derivative-based or fruit-juice-based drinks, energy-reduced or with no added sugar	600 mg/l
		Desserts and similar products	
		–Water-based flavoured desserts, energy-reduced or with no added sugar	1000 mg/kg
		–Milk and milk-derivative-based preparations, energy-reduced or with no added sugar	1000 mg/kg
		–Fruit and vegetable-based desserts, energy-reduced or with no added sugar	1000 mg/kg
		–Egg-based desserts, energy-reduced or with no added sugar	1000 mg/kg
		–Cereal-based desserts, energy-reduced or with no added sugar	1000 mg/kg
		–Fat-based desserts, energy-reduced or with no added sugar	1000 mg/kg
		Confectionery	
		–Confectionery with no added sugar	1000 mg/kg
		–Cocoa or dried-fruit-based confectionery, energy-reduced or with no added sugar	2000 mg/kg
		–Starch-based confectionery, energy-reduced or with no added sugar	2000 mg/kg

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Column 1 EC No.	Column 2 Permitted sweetener	Column 3 Foods in or on which permitted sweeteners may be used	Column 4 Maximum usable dose
		–Chewing gum with no added sugar	5500 mg/kg
		Miscellaneous	
		–“Snacks”: certain flavours of ready to eat, prepacked, dry, savoury starch products and coated nuts	500 mg/kg
		–Cocoa-, milk-, dried-fruit or fat-based sandwich spreads, energy-reduced or with no added sugar	1000 mg/kg
		–Cider and perry	600 mg/l
		–Alcohol-free beer or with an alcohol content not exceeding 1.2% vol	600 mg/l
		–“Bière de table/ Tafelbier/Table beer” (original wort content less than 6%) except for “Obergäriges Einfachbier”	600 mg/l
		–Beers with a minimum acidity of 30 milli-equivalents expressed as NaOH	600 mg/l
		–Brown beers of the “oud bruin” type	600 mg/l
		–Edible ices, energy-reduced or with no added sugar	800 mg/kg
		–Canned or bottled fruit, energy-reduced or with no added sugar	1000 mg/kg
		–Energy-reduced jams, jellies and marmalades	1000 mg/kg

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Column 1 EC No.	Column 2 Permitted sweetener	Column 3 Foods in or on which permitted sweeteners may be used	Column 4 Maximum usable dose
		–Energy-reduced fruit and vegetable preparations	1000 mg/kg
		–Sweet-sour preserves of fruit and vegetables	300 mg/kg
		–Sweet-sour preserves and semi-preserves of fish and marinades of fish, crustaceans and molluscs	300 mg/kg
		–Sauces	350 mg/kg
		–Mustard	350 mg/kg
		–Fine bakery products for special nutritional uses	1700 mg/kg
		–Complete formulae for weight control intended to replace total daily food intake or an individual meal	800 mg/kg
		–Complete formulae and nutritional supplements for use under medical supervision	1000 mg/kg
		–Liquid food supplements/dietary integrators	600 mg/kg
		–Solid food supplements/dietary integrators	2000 mg/kg
		–Vitamins and dietary preparations	5500 mg/kg
E 952	Cyclamic acid and its Na and Ca salts ⁽¹¹⁾	Non-alcoholic drinks	
		–Water-based flavoured drinks, energy-reduced or with no added sugar	400 mg/l

(11) The maximum usable doses for cyclamic acid and its Na and Ca salts are expressed in terms of the free acid.

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Column 1 EC No.	Column 2 Permitted sweetener	Column 3 Foods in or on which permitted sweeteners may be used	Column 4 Maximum usable dose
		–Milk and milk-derivative-based or fruit-juice-based drinks, energy-reduced or with no added sugar	400 mg/l
		Desserts and similar products	
		–Water-based flavoured desserts, energy-reduced or with no added sugar	250 mg/kg
		–Milk and milk-derivative-based preparations, energy-reduced or with no added sugar	250 mg/kg
		–Fruit and vegetable-based desserts, energy-reduced or with no added sugar	250 mg/kg
		–Egg-based desserts, energy-reduced or with no added sugar	250 mg/kg
		–Cereal-based desserts, energy-reduced or with no added sugar	250 mg/kg
		–Fat-based desserts, energy-reduced or with no added sugar	250 mg/kg
		Confectionery	
		–Confectionery with no added sugar	500 mg/kg
		–Cocoa or dried-fruit-based confectionery, energy-reduced or with no added sugar	500 mg/kg
		–Starch-based confectionery, energy-reduced or with no added sugar	500 mg/kg

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Column 1 EC No.	Column 2 Permitted sweetener	Column 3 Foods in or on which permitted sweeteners may be used	Column 4 Maximum usable dose
		–Chewing gum with no added sugar	1500 mg/kg
		Miscellaneous	
		–Cocoa-, milk-, dried-fruit or fat-based sandwich spreads, energy-reduced or with no added sugar	500 mg/kg
		–Edible ices, energy-reduced or with no added sugar	250 mg/kg
		–Canned or bottled fruit, energy-reduced or with no added sugar	1000 mg/kg
		–Energy-reduced jams, jellies and marmalades	1000 mg/kg
		–Energy-reduced fruit and vegetable preparations	250 mg/kg
		–Fine bakery products for special nutritional uses	1600 mg/kg
		–Complete formulae for weight control intended to replace total daily food intake or an individual meal	400 mg/kg
		–Complete formulae and nutritional supplements for use under medical supervision	400 mg/kg
		–Liquid food supplements/dietary integrators	400 mg/kg
		–Solid food supplements/dietary integrators	500 mg/kg
E 954	Saccharin and its Na, K and Ca salts(12)	Non-alcoholic drinks	

(12) The maximum usable doses for saccharin and its Na, K and Ca salts are expressed in terms of the free imide.

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Column 1 EC No.	Column 2 Permitted sweetener	Column 3 Foods in or on which permitted sweeteners may be used	Column 4 Maximum usable dose
		–Water-based flavoured drinks, energy-reduced or with no added sugar	80 mg/l
		–Milk and milk-derivative-based or fruit-juice-based drinks, energy-reduced or with no added sugar	80 mg/l
		–“Gaseosa”: non-alcoholic water-based drink with added carbon dioxide, sweeteners and flavourings	100 mg/l
		Desserts and similar products	
		–Water-based flavoured desserts, energy-reduced or with no added sugar	100 mg/kg
		–Milk and milk-derivative-based preparations, energy-reduced or with no added sugar	100 mg/kg
		–Fruit and vegetable-based desserts, energy-reduced or with no added sugar	100 mg/kg
		–Egg-based desserts, energy-reduced or with no added sugar	100 mg/kg
		–Cereal-based desserts, energy-reduced or with no added sugar	100 mg/kg
		–Fat-based desserts, energy-reduced or with no added sugar	100 mg/kg
		Confectionery	
		–Confectionery with no added sugar	500 mg/kg

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Column 1 EC No.	Column 2 Permitted sweetener	Column 3 Foods in or on which permitted sweeteners may be used	Column 4 Maximum usable dose
		–Cocoa or dried-fruit-based confectionery, energy-reduced or with no added sugar	500 mg/kg
		–Starch-based confectionery, energy-reduced or with no added sugar	300 mg/kg
		–Chewing gum with no added sugar	1200 mg/kg
		Miscellaneous	
		–“Snacks”: certain flavours of ready to eat, prepacked, dry, savoury starch products and coated nuts	100 mg/kg
		–Essoblaten	800 mg/kg
		–Cocoa-, milk-, dried-fruit or fat-based sandwich spreads, energy-reduced or with no added sugar	200 mg/kg
		–Cider and perry	80 mg/l
		–Alcohol-free beer or with an alcohol content not exceeding 1.2% vol	80 mg/l
		–“Bière de table/ Tafelbier/ Table beer” (original wort content less than 6%) except for “Obergäriges Einfachbier”	80 mg/l
		–Beers with a minimum acidity of 30 milli-equivalents expressed as NaOH	80 mg/l
		–Brown beers of the “oud bruin” type	80 mg/l

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Column 1 EC No.	Column 2 Permitted sweetener	Column 3 Foods in or on which permitted sweeteners may be used	Column 4 Maximum usable dose
		–Edible ices, energy-reduced or with no added sugar	100 mg/kg
		–Canned or bottled fruit, energy-reduced or with no added sugar	200 mg/kg
		–Energy-reduced jams, jellies and marmalades	200 mg/kg
		–Energy-reduced fruit and vegetable preparations	200 mg/kg
		–Sweet-sour preserves of fruit and vegetables	160 mg/kg
		–Sweet-sour preserves and semi-preserves of fish and marinades of fish, crustaceans and molluscs	160 mg/kg
		–Sauces	160 mg/kg
		–Mustard	320 mg/kg
		–Fine bakery products for special nutritional uses	170 mg/kg
		–Complete formulae for weight control intended to replace total daily food intake or an individual meal	240 mg/kg
		–Complete formulae and nutritional supplements for use under medical supervision	200 mg/kg
		–Liquid food supplements/dietary integrators	80 mg/kg
		–Solid food supplements/dietary integrators	500 mg/kg
		–Vitamins and dietary preparations	1200 mg/kg

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Column 1 EC No.	Column 2 Permitted sweetener	Column 3 Foods in or on which permitted sweeteners may be used	Column 4 Maximum usable dose
E 957	Thaumatococin	Confectionery –Confectionery with no added sugar –Cocoa or dried-fruit-based confectionery, energy-reduced or with no added sugar –Chewing gum with no added sugar Miscellaneous –Vitamins and dietary preparations	50 mg/kg 50 mg/kg 50 mg/kg 400 mg/kg
E959	Neohesperidine DC	Non-alcoholic drinks –Water-based flavoured drinks, energy-reduced or with no added sugar –Milk and milk-derivative-based drinks, energy-reduced or with no added sugar –Fruit-juice-based drinks, energy-reduced or with no added sugar Desserts and similar products –Water-based flavoured desserts, energy-reduced or with no added sugar –Milk and milk-derivative-based preparations, energy-reduced or with no added sugar –Fruit and vegetable-based desserts, energy-reduced or with no added sugar	30 mg/l 50 mg/l 30 mg/l 50 mg/kg 50 mg/kg 50 mg/kg

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Column 1 EC No.	Column 2 Permitted sweetener	Column 3 Foods in or on which permitted sweeteners may be used	Column 4 Maximum usable dose
		–Egg-based desserts, energy-reduced or with no added sugar	50 mg/kg
		–Cereal-based desserts, energy-reduced or with no added sugar	50 mg/kg
		–Fat-based desserts, energy-reduced or with no added sugar	50 mg/kg
		Confectionery	
		–Confectionery with no added sugar	100 mg/kg
		–Cocoa or dried-fruit-based confectionery, energy-reduced or with no added sugar	100 mg/kg
		–Starch-based confectionery, energy-reduced or with no added sugar	150 mg/kg
		–Chewing gum with no added sugar	400 mg/kg
		Miscellaneous	
		–Cocoa-, milk-, dried-fruit or fat-based sandwich spreads, energy-reduced or with no added sugar	50 mg/kg
		–Cider and perry	20 mg/l
		–Alcohol-free beer or with an alcohol content not exceeding 1.2% vol	10 mg/l
		–“Bière de table/ Tafelbier/Table beer” (original wort content less than 6%) except for “Obergäriges Einfachbier”	10 mg/l

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Column 1 EC No.	Column 2 Permitted sweetener	Column 3 Foods in or on which permitted sweeteners may be used	Column 4 Maximum usable dose
		–Beers with a minimum acidity of 30 milli-equivalents expressed as NaOH	10 mg/l
		–Brown beers of the “oud bruin” type	10 mg/l
		–Edible ices, energy-reduced or with no added sugar	50 mg/kg
		–Canned or bottled fruit, energy-reduced or with no added sugar	50 mg/kg
		–Energy-reduced jams, jellies and marmalades	50 mg/kg
		–Sweet-sour preserves of fruit and vegetables	100 mg/kg
		–Energy-reduced fruit and vegetable preparations	50 mg/kg
		–Sweet-sour preserves and semi-preserves of fish and marinades of fish, crustaceans and molluscs	30 mg/kg
		–Sauces	50 mg/kg
		–Mustard	50 mg/kg
		–Fine bakery products for special nutritional uses	150 mg/kg
		–Complete formulae for weight control intended to replace total daily food intake or an individual meal	100 mg/kg
		–Liquid food supplements/dietary integrators	50 mg/kg
		–Solid food supplements/dietary integrators	100 mg/kg

SCHEDULE 2

Regulation 10(1)

REVOCATIONS

Column 1 Regulations revoked	Column 2 References	Column 3 Extent of revocation
The Sweeteners in Food Regulations 1983	S.I. 1983/1211	the whole Regulations
The Sweeteners in Food (Scotland) Regulations 1983	S.I. 1983/1497	the whole Regulations
The Food (Revision of Penalties) Regulations 1985	S.I. 1985/67	in Part I of the Schedule, the reference to the Sweeteners in Food Regulations 1983
The Food (Revision of Penalties and Mode of Trial) (Scotland) Regulations 1985	S.I. 1985/1068	in Schedule 1, the reference to the Sweeteners in Food (Scotland) Regulations 1983
The Sweeteners in Food (Scotland) Amendment Regulations 1988	S.I. 1988/2084	the whole Regulations
The Sweeteners in Food (Amendment) Regulations 1988	S.I. 1988/2112	the whole Regulations
The Food Safety (Exports) Regulations 1991	S.I. 1991/1476	in Part I of Schedule 1, the reference to the Sweeteners in Food Regulations 1983, and in Schedule 2 the reference to the Sweeteners in Food (Scotland) Regulations 1983

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

These Regulations, which apply to Great Britain, come into force on 1st January 1996.

The Regulations implement European Parliament and Council Directive [94/35/EC](#) (OJ No. L237, 10.9.94, p.3) on sweeteners for use in foodstuffs (which has to be read with Council Directive [89/107/EEC](#) (OJ No. L40, 11.2.89, p.27) on the approximation of the laws of the Member States concerning food additives authorised for use in foodstuffs intended for human consumption) and Commission Directive [95/31/EC](#) (OJ No. L178, 28.7.95, p.1) laying down specific criteria of purity concerning sweeteners for use in foodstuffs.

The principal provisions of the Regulations—

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(1) prohibit the sale of any sweetener intended either for sale to the ultimate consumer or for use in or on any food, other than a permitted sweetener (regulation 3(1));

(2) prohibit the use of any sweetener in or on any food, other than for certain foods in which only specified permitted sweeteners may be used in accordance with conditions contained in the Regulations (regulation 3(2) and (3) and Schedule 1);

(3) prohibit the use of any sweetener in or on foods for infants and young children specified in Council Directive [89/398/EEC](#) (OJ No. L186, 30.6.89, p.27) on the approximation of the laws of the Member States relating to foodstuffs intended for particular nutritional uses (regulation 3(4));

(4) prohibit the sale of table-top sweeteners unless they contain no sweetener other than a permitted sweetener and are labelled in accordance with the Regulations (regulation 4);

(5) prohibit the sale of any food containing any added sweetener other than a permitted sweetener used in or on it in accordance with the Regulations (regulation 5).

The Regulations also—

- (a) make provision in relation to the condemnation of food (regulation 6);
- (b) create offences, prescribe a penalty and provide for the Regulations to be enforced by food authorities (regulation 7);
- (c) provide a defence in relation to exports, in implementation of Articles 2 and 3 of Council Directive [89/397/EEC](#) (OJ No. L186, 30.6.89, p.23) on the official control of foodstuffs, as read with the ninth recital to that Directive (regulation 8);
- (d) incorporate specified provisions of the Food Safety Act 1990 (regulation 9);
- (e) revoke the Regulations specified in Schedule 2 to the extent specified in that Schedule, and make consequential amendments (regulation 10);
- (f) contain a transitional provision and exemption (regulation 11).

A Compliance Cost Assessment of the effect that these Regulations would have on the cost of business is available from Branch A of the Additives and Novel Foods Division of the Ministry of Agriculture, Fisheries and Food, Ergon House, c/o Nobel House, 17 Smith Square, London SW1P 3JR.