1983 No. 48

FOOD AND DRUGS

Composition and Labelling

Fruit Juices and Fruit Nectars (Amendment) Regulations (Northern Ireland) 1983

Made	*15th March 1983*
Coming into operation	
Regulations 1, 2, 3, 7 and 8	*26th April 1983*
Regulation 11	*1st July 1983*
Regulations 4, 5, 6, 9 and 10	*1st July 1984*

The Department of Health and Social Services(**a**) in exercise of the powers conferred on it by sections 4, 7, 68 and 68A(**b**) of the Food and Drugs Act (Northern Ireland) 1958(**c**) and of every other power enabling it in that behalf, and after consultation in accordance with section 68(2) with such organisations as appear to it to be representative of interests substantially affected by these regulations, hereby makes the following regulations:

Citation and commencement

1.—(1) These regulations may be cited as the Fruit Juices and Fruit Nectars (Amendment) Regulations (Northern Ireland) 1983 and shall come into operation:—

(*a*) as respects this regulation and regulations 2, 3, 7 and 8 on 26th April 1983,

(*b*) as respects regulation 11 on 1st July 1983, and

(*c*) as respects regulations 4, 5, 6, 9 and 10 on 1st July 1984.

Interpretation

2. In these regulations "the principal regulations" means the Fruit Juices and Fruit Nectars Regulations (Northern Ireland) 1977(**d**).

Amendment of the principal regulations

3. Regulation 2(1) of the principal regulations shall be amended by substituting for the words "apricots and strawberries" in line 2 of sub-paragraph (*d*) of the definition of "fruit nectar" the words "apricots, cherries (other than sour cherries), strawberries, apples, peaches and pears".

4. The principal regulations shall be amended by substituting for regulations 4 to 8 the following regulations:—

"*Name of the food*

4.—(1) Subject to the following paragraphs, for the purposes of the Food Labelling Regulations (Northern Ireland) 1981(**e**) the name used as the name of the food in the labelling of any fruit juice, concentrated fruit juice, dried fruit juice

(**a**) *See* S.R. & O. (N.I.) 1964 No. 205 art. 5 and Sch. 2 Part I
(**b**) Added by S.R. & O. (N.I.) 1972 No. 363
(**c**) 1958 c. 27 (N.I.)
(**d**) S.R. 1977 No. 182, to which there are amendments not relevant to these regulations
(**e**) S.R. 1981 No. 305

or fruit nectar shall be "juice", "concentrated juice", "dried juice" or "nectar", as is appropriate, accompanied in each case by an indication of the type of fruit from which the food is prepared.

(2) Where any such food is prepared from two or more types of fruit, the name used as the name of the food in the labelling of the food may, instead of being the name for which provision is made in paragraph (1), be "fruit juice", "concentrated fruit juice", "dried fruit juice", or "fruit nectar", as is appropriate, accompanied in each case by an indication of the types of fruit from which the food is prepared.

(3) In the case of concentrated fruit juice and dried fruit juice the indication of the type of fruit from which the food is prepared may appear between the prescribed words of the name of the food.

(4) Where, pursuant to paragraph (1) or (2), it is necessary for an indication of two or more types of fruit to appear in the name of the food, that indication shall refer to those types of fruit in descending order of weight.

(5) The weight referred to in paragraph (4) is the weight of fruit juice, concentrated fruit juice, fruit purée or concentrated fruit purée used, except that, where concentrated fruit juice or concentrated fruit purée is reconstituted during the preparation of the food, the weight referred to is the weight after reconstitution.

(6) Nothing in this regulation shall be taken to require or permit the name "lemon" to be included in the name of any fruit nectar solely on account of the presence in the fruit nectar of lemon juice in accordance with sub-paragraph (*f*) of the proviso to regulation 11(1).

(7) In the case of dried fruit juice—

(*a*) the word "dried" may be replaced by the word "powdered", and

(*b*) the word "dried" (or "powdered") may be accompanied or replaced by the word "freeze-dried" or some other word descriptive of the specific process used.

Restrictions on the use of certain names

5.—(1) A name that is prescribed for a food by regulation 4 shall not be used in the labelling or advertising of any food as the name of the food, whether or not qualified by other words, unless the food is the food for which the name is so prescribed.

(2) A name that is prescribed for a food by regulation 4 shall not be used in the labelling or advertising of any food, whether or not qualified by other words, in such a way as to suggest, either expressly or by implication, that the food designated by that name is an ingredient of the food in whose labelling or advertising the name is used unless the food in whose labelling or advertising the name is used has as an ingredient the food for which the name is so prescribed.

(3) A person shall not sell any food in the labelling of which a name is used in contravention of the foregoing paragraphs.

(4) A person shall not use a name in contravention of the foregoing paragraphs in advertising for sale any food.

List of ingredients

6. Notwithstanding regulation 5(*b*) of the Food Labelling Regulations (Northern Ireland) 1981 (which requires food to be marked or labelled with a list of ingredients) and without prejudice to regulation 17 of those regulations (which specifies ingredients which need not be named in a list of ingredients),—

(*a*) it shall not be necessary to name in the list of ingredients of fruit juice or concentrated fruit juice the permitted preservative sulphur dioxide if it is present in the food in accordance with sub-paragraph (*e*) of the proviso to regulation 11(1) in a proportion not exceeding 10 milligrammes per litre; and

(*b*) it shall not be necessary to name in the list of ingredients of fruit juice, concentrated fruit juice or dried fruit juice added natural volatile components if such components are present in the food in accordance with sub-paragraph (*h*) of the proviso to regulation 11(1).

Miscellaneous labelling

7.—(1) A person shall not sell any fruit juice, concentrated fruit juice or dried fruit juice which, in accordance with sub-paragraph (*b*), (*c*) or (*d*) of the proviso to regulation 11(1), contains any added sugar in excess of 15 grammes per litre, 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% of the actual content.

(2) A person shall not sell any fruit nectar obtained exclusively from fruit purée or concentrated fruit purée or a mixture thereof, unless it is marked or labelled with the declaration "contains fruit pulp" or a substantially similar declaration.

(3) A person shall not sell any fruit juice or fruit nectar obtained wholly or partly from concentrated fruit juice or concentrated fruit purée, unless the fruit juice or fruit nectar is prominently marked or labelled in bold letters with the declaration "made with concentrated X juice" or "made with concentrated X purée", as is appropriate, there being inserted in place of "X" the name of the fruit from which the concentrated fruit juice or concentrated fruit purée was obtained.

(4) A person shall not sell any fruit juice, concentrated fruit juice or fruit nectar which has a carbon dioxide content greater than 2 grammes per litre, unless it is marked or labelled with the word "carbonated".

(5) A person shall not sell any fruit nectar, unless it is marked or labelled with the declaration "fruit content x % minimum", there being inserted in place of "x" the minimum percentage of the fruit nectar that consists of fruit juice or fruit purée or a mixture thereof.

(6) A person shall not sell any concentrated fruit juice or dried fruit juice, unless it is marked or labelled with a declaration of the quantity of water to be added to reconstitute the food to fruit juice.

(7) A person shall not sell a food which is required to be marked or labelled in accordance with one or more of the foregoing paragraphs, unless—

(*a*) the particulars with which it is required to be marked or labelled by paragraphs (1) to (3) appear in immediate proximity to the name of the food; and

(*b*) the particulars with which it is required to be marked or labelled by paragraphs (3) to (5) appear in the same field of vision as—

(i) the name of the food,

(ii) the indication of net quantity if the food is required by the Weights and Measures (Northern Ireland) Order 1981(a) or by any order made thereunder to be marked or labelled with such an indication, and

(a) S.I. 1981/231 (N.I. 10)

(iii) the indication of minimum durability if the food is required by the Food Labelling Regulations (Northern Ireland) 1981 to be marked or labelled with such an indication.

(8) This regulation does not apply to—

(*a*) food which is not ready for delivery to the ultimate consumer or to a catering establishment;

(*b*) food prepared on domestic premises for sale for the benefit of the person preparing it by a society registered under the Industrial and Provident Societies Act (Northern Ireland) 1969(**a**);

(*c*) food prepared otherwise than in the course of a trade carried on by the person preparing it;

(*d*) food to which regulation 27 or 28 of the Food Labelling Regulations (Northern Ireland) 1981 (which relate to food for immediate consumption) applies.

(9) In this regulation "catering establishment" and "ultimate consumer" have the meanings assigned to them by the Food Labelling Regulations (Northern Ireland) 1981.

Manner of marking or labelling

8. Regulations 31 to 33 of the Food Labelling Regulations (Northern Ireland) 1981 (which relate to the manner of marking or labelling of food) shall apply to the particulars with which a food is required to be marked or labelled by regulation 7 as if those particulars were particulars with which a food is required to be marked or labelled by the Food Labelling Regulations (Northern Ireland) 1981.

Degree of concentration of concentrated fruit juice

8A.—(1) A person shall not sell to the ultimate consumer any concentrated fruit juice unless it has been reduced in volume by at least 50% in the course of being concentrated.

(2) In this regulation "ultimate consumer" has the meaning assigned to it by the Food Labelling Regulations (Northern Ireland) 1981.".

5. Regulation 10 of the principal regulations shall be amended by substituting for the reference "regulation 5(5)" the reference "regulation 11(2)".

6.—(1) Regulation 11 of the principal regulations shall be renumbered 11(1) and for the reference in that paragraph to "regulation 5(5)" there shall be substituted the words "paragraph (2)".

(2) In regulation 11 of the principal regulations there shall be inserted the following paragraph (2)—

"(2) The foods referred to in paragraph (1) 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*);

(*f*) fruit juice intended for use in the preparation of any food mentioned in sub-paragraph (*b*), (*c*) or (*d*)."

7. Schedule 1 to the principal regulations shall be amended by substituting for item 2 the following item:—

(a) 1969 c. 24 (N.I.)

In Column 1 *(Fruit from which the product is obtained)*	In Column 2 *(Minimum quantity of acid expressed as tartaric acid and in grammes per litre of the finished product)*	In Column 3 *(Minimum quantity of juice or purée or of juice and purée expressed as a percentage of the weight of the finished product)*
"2. Apples	3	50
Citrus fruits other than any citrus fruit provided for in item 1	5	50
Peaches	3	45
Pears	3	50
Any other fruit with juice edible in the natural state	—	50."

8. Schedule 4 to the principal regulations shall be amended:—

(*a*) by deleting from column 1 of item 2 the words "and concentrated grape juice";

(*b*) by substituting for item 6 the following items:—

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 –)*
"6. Pineapple juice and concentrated pineapple juice	Citric acid	3
7. Pineapple juice	DL-Malic acid or L-Malic acid	3 3
8. Apple juice	Citric acid	3."

Amendment of the Preservatives in Food Regulations (Northern Ireland) 1980

9. The Preservatives in Food Regulations (Northern Ireland) 1980(a) shall be further amended by substituting for the reference "regulation 5(5)" in Column 1 of the item relating to fruit juices in Schedule 2 the reference "regulation 11(2)".

(a) S.R. 1980 No. 28, to which there are amendments not relevant to these regulations

Amendment of the Food Labelling Regulations (Northern Ireland) 1981

10. The Food Labelling Regulations (Northern Ireland) 1981 shall be amended by deleting sub-paragraph (*a*) from regulation 4(3).

Transitional provision

11. In any proceedings for an offence against the Fruit Juices and Fruit Nectars Regulations (Northern Ireland) 1977 in respect of an act committed after 30th June 1983 and before 1st July 1984 it shall be a defence for the defendant to prove that the matters constituting an offence against the aforesaid regulations would not have constituted an offence against those regulations or the Food Labelling Regulations (Northern Ireland) 1981 if regulations 4, 5, 6 and 10 of these regulations had been in operation when the act was committed.

Sealed with the Official Seal of the Department of Health and Social Services for Northern Ireland on 15th March 1983.

(L.S.) *J. A. Wylie*

Assistant Secretary

EXPLANATORY NOTE

(This note is not part of the Regulations.)

These regulations amend the Fruit Juices and Fruit Nectars Regulations (Northern Ireland) 1977 (''the principal regulations'') and make consequential amendments to other regulations. Regulations 1, 2, 3, 7 and 8 come into operation on 26th April 1983, regulation 11 comes into operation on 1st July 1983 and regulations 4, 5, 6, 9 and 10 come into operation on 1st July 1984.

The regulations—

(*a*) extend the categories of fruit nectar which are not subject to a minimum acid content (regulation 3);

(*b*) reduce the minimum acid content of certain fruit nectars (regulation 7);

(*c*) permit the sale of apple juice which contains added citric acid (regulation 8(*b*));

(*d*) bring the labelling of fruit juices and fruit nectars under the control of the Food Labelling Regulations (Northern Ireland) 1981 whilst making certain special provisions for the labelling of fruit juices and fruit nectars (regulations 4 and 10);

(*e*) correct an error in the principal regulations whereby the sale of certain concentrated fruit juices containing added acid was wrongly permitted (regulation 8(*a*) and (*b*)); and

(*f*) make consequential amendments (regulations 5, 6 and 9).

The amendments described in sub-paragraphs (*a*) and (*b*) implement Council Directive No. 79/168/EEC (O.J. No. L37, 13.2.79, p. 27), which amends Council Directive No. 75/726/EEC (O.J. No. L311, 1.12.75, p. 40) on the approximation of the laws of the Member States concerning fruit juices and certain similar products. The amendment described in sub-paragraph (*c*) is made in pursuance of a derogation conferred by Council Directive No. 79/168/EEC. The amendments described in sub-paragraph (*d*) and the consequential amendments referred to in sub-paragraph (*f*) implement Council Directive No. 81/487/EEC (O.J. No. L189, 11.7.81, p. 43), which amends Council Directive No. 75/726/EEC for the second time.