1991 No. 251

FOOD

The Fruit Juices and Fruit Nectars (Amendment) Regulations (Northern Ireland) 1991

Made	*14th June 1991*
Coming into operation . .	*19th July 1991*

The Department of Health and Social Services in exercise of the powers conferred on it by Articles 15(1)(*a*), (*c*) and (*e*), 25(1)(*a*) and (3) and 47(2) of the Food Safety (Northern Ireland) Order 1991(**a**) and of all other powers enabling it in that behalf and after consultation in accordance with Article 47(3) of that Order with such organisations as appear to it to be representative of interests likely to be substantially affected by these Regulations, hereby makes the following Regulations:

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Fruit Juices and Fruit Nectars (Amendment) Regulations (Northern Ireland) 1991 and shall come into operation on 19th July 1991.

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

Amendment of the principal Regulations

2.—(1) The principal Regulations shall be amended in accordance with paragraphs (2) to (7).

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

(*a*) for the definition of "fruit juice" there shall be substituted 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,

(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

(**a**) S.I. 1991/762 (N.I. 7)
(**b**) S.R. 1977 No. 182; the relevant amending Regulations are S.R. 1983 No. 48

(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 purée 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) after ''quantity of acid'' there shall be inserted ''(if any)'';

(ii) in sub-paragraph (*b*) ''obtained exclusively from fruit purée or concentrated fruit purée or an admixture thereof'' shall be omitted;

(iii) sub-paragraph (*c*) shall be omitted;

(*c*) in the definition of ''sell'' immediately after '' ''sell'' '' there shall be inserted '', save in relation to regulation 7(1A),'';

(*d*) after the definition of ''sugar'' there shall be inserted the following definition—

'' ''ultimate consumer'' has the meaning assigned to it by the Food Labelling Regulations (Northern Ireland) 1984(**a**);''.

(3) In regulation 7 (miscellaneous labelling)—

(*a*) for paragraph (1) there shall be substituted the following paragraph—

''(1) A person shall not 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*) after paragraph (1) there shall be inserted the following paragraph—

''(1A) A person shall not sell any concentrated fruit juice which, in accordance with paragraph (1) 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*) for paragraph (9) there shall be substituted the following paragraph—

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

(**a**) S.R. 1984 No. 407; to which there are amendments not relevant to these Regulations

(4) In regulation 8A (degree of concentration of concentrated fruit juice) paragraph (2) shall be omitted.

(5) In the proviso to regulation 11(1) (which permits additional ingredients)—

(*a*) in paragraph (*f*)(i) for "items 3 and 4 of column 1" there shall be substituted "items 1A, 3, 4 and 5A of column 1";

(*b*) after paragraph (*j*) there shall be inserted the following paragraphs—

"(*k*) for the purposes of paragraphs (*b*), (*c*) and (*d*) of this proviso "concentrated fruit juice" shall mean concentrated fruit juice which has been prepackaged for sale to the ultimate consumer;

(*l*) 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 preconcentrated strength not exceeding 15 grammes per litre calculated as dry matter.".

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

(7) In Schedule 4 (which permits the addition of types of acid)—

(*a*) in item 1 after "Apple nectar" there shall be inserted "other than apple nectar obtained exclusively from apple purée or concentrated apple purée or an admixture thereof";

(*b*) after item 1 there shall be inserted the following item—

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 purée or concentrated apple purée or an admixture thereof	Citric acid	5 ";

(*c*) after item 5 there shall be inserted the following item—

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	Citric acid	5 ";

Sealed with the Official Seal of the Department of Health and Social Services on 14th June 1991.

(L.S.) *F. Green*

Assistant Secretary

SCHEDULE Regulation 2(6)

NEW SCHEDULE 1 TO THE PRINCIPAL REGULATIONS

"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
Fruit from which the product is obtained	*Minimum quantity of acid expressed as tartaric acid and in grammes per litre of the finished product*	*Minimum quantity of juice or purée or of juice and purée 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 (Passiflora edulis)	8	25
Plums	6	30
Quetsches	6	30
Quinces	7	50
Quito Naranjillos (Solanum quitoense)	5	25
Raspberries	7	40
Redcurrants	8	25
Rose hips (fruits of the species rosa)	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 acid juice unpalatable in the natural state	—	25

Column 1	Column 2	Column 3
Fruit from which the product is obtained	*Minimum quantity of acid expressed as tartaric acid and in grammes per litre of the finished product*	*Minimum quantity of juice or purée or of juice and purée expressed as a percentage of the weight of the finished product*
2. Azeroles (Neopolitan Medlars)	—	25
Bananas	—	25
Bullock's Heart (Custard Apple) (Annona reticulata)	—	25
Cashew fruits	—	25
Guavas	—	25
Lychees	—	25
Mangoes	—	35
Papayas	—	25
Pomegranates	—	25
Soursop (Annona muricata)	—	25
Spanish Plums (Spondia purpurea)	—	25
Sugar Apples	—	25
Umbu (Spondias tuberosa aroda)	—	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 further amend the Fruit Juices and Fruit Nectars Regulations (Northern Ireland) 1977. They implement Council Directive 89/394/EEC (O.J. No. L186, 30.6.89, p. 14) which amends for the third time Council Directive 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 similar products.

The principal provisions of these Regulations—

(*a*) extend the definition of fruit juice to include fruit purée in instances of fruits whose juice cannot be separated from pulp (regulation 2(2));

(*b*) allow the substitution of honey for sugar in all fruit nectars (regulation 2(2));

(*c*) prohibit the use of an admixture of sugar and honey in the production of the fruit nectars in which it was previously allowed (regulation 2(2));

(*d*) extend the requirement to label concentrated juice for sale to the ultimate consumer as "sweetened" whenever any sugar is added (regulation 2(3));

(*e*) require in addition that any purchaser of concentrated orange juice, who is not the ultimate consumer, be notified if sugar has been added (regulation 2(3));

(*f*) 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 2(5));

(*g*) extend the use of citric acid in fruit nectars to include nectar made exclusively from fruit purée or concentrated fruit purée of apples or of an admixture of apples, peaches and pears (regulation 2(7)).