STATUTORY RULES OF NORTHERN IRELAND

2013 No. 253

FOOD

The Fruit Juices and Fruit Nectars Regulations (Northern Ireland) 2013

Made - - - -	*29th October 2013*
Coming into operation	*20th November 2013*

The Department of Health, Social Services and Public Safety [F1] makes the following Regulations in exercise of the powers conferred by Articles 15(1)(a) and (e), 16(1), 25(1)(a) and 3, 26(3) and 47(2) of the Food Safety (Northern Ireland) Order 1991 [F2] and paragraph 1A of Schedule 2 to the European Communities Act 1972 [F3].

These Regulations made provision for a purpose mentioned in section 2(2) of the European Communities Act 1972 and it appears to the Department of Health, Social Services and Public Safety that it is expedient for any reference to a European Union instrument specified in Schedule 1 to be construed as a reference to that instrument as amended from time to time.

In accordance with Article 47(3A) of that Order, it has had regard to relevant advice given by the Food Standards Agency.

As required by Article 9 of Regulation (EC) No. 178/2002 of the European Parliament and of the Council laying down the general principles and requirements of food law, establishing the European Food Safety Authority and laying down procedures in matters of food safety [F4], there has been open and transparent public consultation during the preparation and evaluation of these Regulations.

F1 Formerly the department of Health and Social Services; see S.I. 1999/283 (N.I.1) Article 3(6)

F2 S.I. 1991/762 (N.I.7) as amended by S.I. 1996/1663 (N.I.12), **paragraphs 26 to 42** of Schedule 5 and Schedule 6 to the Food Standards Act 1999 c. 28 and S.R. 2004 Nos. 482 and 505

F3 1972 c.68. Paragraph 1A of Schedule 2 was inserted by section 28 of the Legislative and Regulatory Reform Act 2006 (c.51) and amended by Part 1of Schedule 1 to the European Union (Amendment) Act 2008 (c.7)

F4 OJ No. L31, 1.2.2002, p.1. That Regulation was last amended by Regulation (EC) No. 596/2009 (OJ No. L188, 18.7.2009, p.14)

Citation, commencement and expiry

1.—(1) These Regulations may be cited as the Fruit Juices and Fruit Nectars Regulations (Northern Ireland) 2013 and come into operation on 20thNovember 2013.

(2) Regulation 15 ceases to have effect on 13thDecember 2014.

Definitions of "fruit juice" and similar products

2.—(1) In these Regulations "fruit juice" means (unless the context otherwise requires) a product that complies with the specification in Schedule 2.

(2) In these Regulations—

(a) "fruit juice from concentrate" means a product that complies with the specification in Schedule 3;

(b) "concentrated fruit juice" means a product that complies with the specification in Schedule 4;

(c) "water extracted fruit juice" means a product that complies with the specification in Schedule 5; and

(d) "dehydrated fruit juice" or "powdered fruit juice" means a product that complies with the specification in Schedule 6.

(3) In these Regulations "fruit nectar" means a product that complies with the specification in Schedule 7.

General interpretation

3.—(1) In these Regulations—

"authorised additional ingredient" means an additional ingredient listed in Schedule 8;

"authorised additional substance" means an additional substance listed in Schedule 9;

"authorised treatment" means a treatment listed in Schedule 10;

"concentrated fruit purï¿½e" means the product obtained from fruit purï¿½e by the removal of a specific proportion of its water content, and in respect of which, if flavour has been restored to it, such flavour has been recovered from the same species of fruit;

"Directive 2001/112/EC" means Council Directive 2001/112/EC relating to fruit juices and certain similar products intended for human consumption [F5];

"flavour", except in paragraph 1 of Schedule 2 and Part 2 of Schedule 7, means flavour for restoration—

(a) that is obtained during the processing of fruit by applying suitable physical processes (including squeezing, extraction, distillation, filtration, adsorption, evaporation, fractionation and concentration) to obtain, retain, preserve or stabilise the flavour quality; and

(b) that—

(i) is obtained from the edible parts of the fruit;

(ii) is cold-pressed oil from citrus peel; or

(iii) consists of compounds from the stones of the fruit;

"fruit" means any kind of fruit (including tomatoes) that is sound, appropriately mature and–

(a) fresh; or

(b) preserved by—

(i) physical means, or

(ii) a treatment, including a post-harvest treatment;

"fruit purï¿½e" means the fermentable but unfermented product obtained by suitable physical processes, such as sieving, grinding or milling, the edible part of whole or peeled fruit without removing the juice;

"honey" has the meaning given in point 1 of Annex I to Council Directive 2001/110/EC relating to honey [F6];

"in trade" has the same meaning as in Directive 2001/112/EC;

"the Order" means the Food Safety (Northern Ireland) Order 1991;

"pulp or cells" means—

(a) in respect of citrus fruit, the juice sacs obtained from the endocarp, or

(b) in respect of any other fruit, the products obtained from the edible parts of the fruit without removing the juice;

"Regulation 1935/2004" means Regulation (EC) No 1935/2004 of the European Parliament and of the Council on materials and articles intended to come into contact with food and repealing Directives 80/590/EEC and 89/109/EEC[F7];

"Regulation 1333/2008" means Regulation (EC) No. 1333/2008 of the European Parliament and of the Council on food additives [F8];

"regulated product" means any of the following—

(a) a fruit juice;

(b) a fruit juice from concentrate;

(c) a concentrated fruit juice;

(d) a water extracted fruit juice;

(e) a dehydrated fruit juice;

(f) a powdered fruit juice;

(g) a fruit nectar;

"sugars" means any of the following—

(a) sugars as defined by Council Directive 2001/111/EC relating to certain sugars intended for human consumption [F9];

(b) fructose syrup;

(c) sugars derived from fruits.

(2) Any other expression not defined in these Regulations and used in these Regulations and Directive 2001/112/EC has the same meaning in these Regulations as in that Directive.

(3) Any reference to an EU instrument specified in Schedule 1 is a reference to that instrument as amended from time to time.

(4) The Interpretation Act (Northern Ireland) 1954 [F10] applies to these Regulations as it applies to an Act of the Assembly.

F5 OJ No. L 10, 12.1.2002, p. 58, last amended by Directive 2012/12/EU of the European Parliament and of the Council (OJ No. L 115, 27.4.2012, p. 1)

F6 OJ No. L 10, 12.1.2002 p. 47, as read with the corrigendum published in OJ No. L 52, 21.2.2007, p. 16

F7 OJ No L 338, 13.11.2004, p 4, last amended by Regulation (EC) No 596/2009 of the European Parliament and of the Council (OJ No L 188, 18.7.2009, p 14)

F8 OJ No. L 354, 31.12.2008, p. 16, last amended by Commission Regulation (EU) No. 913/2013 (OJ No. L 252, 24.9.2013, p. 11)

F9 OJ No. L 10, 12.1.2002, p. 53, to which there is a corrigendum not relevant to the English version of the Directive

F10 1954 c.33 (NI)

Use of the name fruit juice

4.—(1) A person trading in a fruit juice must use the name "[x] juice" as the name of the product with the relevant name of the fruit from which the juice comes substituting "[x]" in accordance with regulation 10 and subject to paragraph (2).

(2) Paragraph (1) does not prevent a name listed in column 2 of Schedule 11 being used as the name of a fruit juice provided that—

(a) the name is in the language provided for in column 2 of that Schedule, and

(b) the fruit juice meets the requirements of the corresponding product description in column 3 of that Schedule.

(3) A person must not use the name "fruit juice" or "juice" together with the name of a fruit, in trade, as the name of a product if the product is not fruit juice.

Use of the name fruit juice from concentrate

5.—(1) A person trading in a fruit juice from concentrate must use the name "[x] juice from concentrate" as the name of the product with the relevant name of the fruit from which the juice comes substituting "[x]" in accordance with regulation 10.

(2) A person must not use the name "fruit juice from concentrate" or "juice from concentrate" together with the name of a fruit, in trade, as the name of a product if the product is not fruit juice from concentrate.

Use of the name concentrated fruit juice

6.—(1) A person trading in a concentrated fruit juice must use the name "concentrated [x] juice" as the name of the product with the relevant name of the fruit from which the juice comes substituting "[x]" in accordance with regulation 10.

(2) A person must not use the name "concentrated fruit juice", or "concentrated juice" together with the name of a fruit, in trade, as the name of a product if the product is not concentrated fruit juice.

Use of the name water extracted fruit juice

7.—(1) A person trading in a water extracted fruit juice must use the name "water extracted [x] juice" as the name of the product with the relevant name of the fruit from which the juice comes substituting "[x]" in accordance with regulation 10.

(2) A person must not use the name "water extracted fruit juice", or "water extracted juice" together with the name of a fruit, in trade, as the name of a product if the product is not water extracted fruit juice.

Use of the name dehydrated fruit juice and powdered fruit juice

8.—(1) A person trading in a product that complies with the specifications in Schedule 6 must use the name "dehydrated [x] juice" or "powdered [x] juice" as the name of the product with the relevant name of the fruit from which the juice comes substituting "[x]" in accordance with regulation 10.

(2) A person must not use the name "dehydrated fruit juice" or "powdered fruit juice", or "dehydrated juice" or "powdered juice" together with the name of a fruit, in trade, as the name of a product if the product does not comply with the specification in Schedule 6.

Use of the name fruit nectar

9.—(1) A person trading in a fruit nectar must use the name "[x] nectar" as the name of the product with the relevant name of the fruit from which the nectar comes substituting "[x]" in accordance with regulation 10 and subject to paragraph (2).

(2) Paragraph (1) does not prevent a name listed in column 2 of Schedule 12 being used as the name of a fruit nectar provided that—

(a) the name is in the language provided for in column 2 of that Schedule, and

(b) the fruit nectar meets the requirements of any corresponding product description in column 3 of that Schedule.

(3) A person must not use the name "fruit nectar", or "nectar" together with the name of a fruit, in trade, as the name of a product if the product is not fruit nectar.

Indication of kinds of fruits used

10.—(1) A person must not trade in a regulated product unless the name of the product indicates the kinds of fruit from which it has come in accordance with paragraphs (2) to (7).

(2) If a regulated product is manufactured from a single kind of fruit, the name of that fruit must substitute "[x]" in the product name.

(3) If a regulated product is manufactured from two kinds of fruit (excluding the use of one or more of lemon juice, lime juice, concentrated lemon juice and concentrated lime juice in accordance with paragraph 3 of Schedule 8), a list of the names of the fruits used must substitute " [x] " in the product name.

(4) If a regulated product is manufactured from three or more kinds of fruit (excluding the use of one or more of lemon juice, lime juice, concentrated lemon juice and concentrated lime juice in accordance with paragraph 3 of Schedule 8), the "[x]" in the product name must be substituted by—

(a) a list of the names of the fruits used;

(b) the words "several fruits" or similar wording; or

(c) the number of kinds of fruit used.

(5) For the purposes of paragraph (3) and (4)(a), the list of the names of the fruits must be set out in descending order by volume of the juices or purï¿½es included from each kind of fruit, as indicated in the list of ingredients.

(6) Where a species of fruit listed in column 2 of Schedule 13 is used in the preparation of a fruit juice, fruit purï¿½e or fruit nectar, the name given as the name of the fruit in the product name in accordance with the requirements of this regulation must be—

(a) the common name for the fruit specified in column 1 of Schedule 13, or

(b) the botanical name for the fruit specified in column 2 of Schedule 13.

(7) In the case of any other species of fruit used in the preparation of a fruit juice, fruit purï¿½e or fruit nectar, the name given as the name of the fruit in the product name in accordance with the requirements of this regulation must be—

(a) the common name for the fruit, or

(b) the botanical name for the fruit.

(8) In this regulation any reference to "[x]" in a product name must be construed taking into account the provisions relating to product names in regulations 4 to 9.