1982 No. 105

FOOD AND DRUGS

Composition and Labelling

Jam and Similar Products Regulations (Northern Ireland) 1982

Made	*31st March 1982*
Coming into operation	
Regulations 1, 2 and 20	*11th May 1982*
Regulations 3, 4, 6 and 11 to 19	*1st August 1982*
Regulations 5 and 7 to 10	*1st January 1983*

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 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. These regulations may be cited as the Jam and Similar Products Regulations (Northern Ireland) 1982 and shall come into operation—

(*a*) as respects this regulation and regulations 2 and 20 on 11th May 1982;

(*b*) as respects regulations 3, 4, 6 and 11 to 19 on 1st August 1982; and

(*c*) as respects the remainder, that is to say regulations 5 and 7 to 10, on 1st January 1983.

Interpretation

2.—(1) In these regulations—

"the Act" means the Food and Drugs Act (Northern Ireland) 1958;

"additive" has the meaning assigned to it by the Food Labelling Regulations (Northern Ireland) 1981(d);

"aqueous extract of fruit" means an extract of fruit which, subject to the losses necessarily occurring in proper manufacturing, contains all the water-soluble constituents of the fruit used;

"chestnut" means the fruit of the sweet chestnut tree (*Castanea sativa* Mill or *Castanea vesca* Gaertn);

"fruit" includes ginger and rhubarb;

"fruit curd" means the food described in column 2 of item 11 of Schedule 1;

"fruit flavour curd" means the food described in column 2 of item 12 of Schedule 1;

"fruit juice" means the food consisting of fermentable but unfermented juice which—

(*a*) 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

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(a) *See* S.R. & O. (N.I.) 1964 No. 205 art. 5 and Sch. 2 Part 1 and 1973 c. 36 s. 40 and Sch. 5 para. 8
(b) Added by S.R. & O. (N.I.) 1972 No. 363
(c) 1958 c. 27 (N.I.)
(d) S.R. 1981 No. 305

(*b*) is obtained from concentrated fruit juice by the addition of water and has the organoleptic and analytical characteristics of juice obtained from fruit of the same kind by mechanical processes,

and for the purpose of this definition "concentrated fruit juice" means juice which has been obtained from fruit by mechanical or diffusion processes and concentrated by the removal of part of its water, but does not include juice which has been concentrated to the form of powder, granule or solid;

"fruit pulp" means the edible part of the whole fruit, with or without peel, skin, seeds or pips, as appropriate, which, although it may have been sliced or crushed, has not been reduced to a purée;

"fruit purée" means the edible part of the whole fruit, apart from any peel, skin, seeds or pips, which has been reduced to a purée by being sieved or subjected to a similar process;

"ginger" means the edible root of the ginger plant;

"ingredient" has the meaning assigned to it by the Food Labelling Regulations (Northern Ireland) 1981;

"labelling" has the meaning assigned to it by the Food Labelling Regulations (Northern Ireland) 1981;

"permitted artificial sweetener" means any artificial sweetener in so far as its use is permitted by the Artificial Sweeteners in Food Regulations (Northern Ireland) 1969(**a**);

"permitted colouring matter" means any colouring matter in so far as its use is permitted by the Colouring Matter in Food Regulations (Northern Ireland) 1973(**b**);

"prepacked", in relation to a food, has the meaning assigned to it by the Food Labelling Regulations (Northern Ireland) 1981;

"reduced sugar products" means reduced sugar jam, reduced sugar jelly and reduced sugar marmalade;

"sell" includes offer or expose for sale or have in possession for sale;

"vine fruits" means muscatels, raisins, sultanas or currants.

(2) In these regulations a name that appears in column 1 of Schedule 1 means the food described in column 2 of that Schedule opposite that name.

(3) In the determination of the weight of any fruit pulp for the purposes of these regulations no account shall be taken of any peel, skin, seeds or pips that are not used in the preparation of the food of which the fruit pulp is an ingredient.

(4) In the determination of the weight of any aqueous extract of fruit for the purposes of these regulations no account shall be taken of the weight of water used in the preparation of the aqueous extract.

(5) For the purposes of these regulations, the supply of food, otherwise than by sale, at, in or from any place where food is supplied in the course of a business shall be deemed to be a sale of that food.

(6) All proportions mentioned in these regulations are proportions calculated by weight.

(7) Schedules 1 and 2 shall be read with the notes thereto.

Exemptions

3.—(1) These regulations shall not apply to any food which is—

(*a*) not intended for sale for human consumption;

(a) S.R. & O. (N.I.) 1969 No. 346, to which there is an amendment not relevant to these regulations
(b) S.R. & O. (N.I.) 1973 No. 466; relevant amending regulations are S.R. 1975 No. 283, S.R. 1976 No. 382, S.R. 1979 No. 49

(*b*) intended at the time of sale for export to any place outside the United Kingdom; or

(*c*) supplied under Government contracts for consumption by Her Majesty's forces or supplied for consumption by a visiting force within the meaning of any of the provisions of Part I of the Visiting Forces Act 1952(**a**).

(2) Regulations 8 and 14 shall not apply to any food which is sold to a manufacturer for the purposes of his manufacturing business.

(3) Regulations 7, 8, 11(4) and (5) and 14 shall not apply to fruit curd, fruit flavour curd or mincemeat and regulation 5(4) shall not apply to fruit flavour curd or mincemeat.

Restrictions on the use of certain names

4.—(1) Subject to paragraphs (2) and (3), a name which appears in column 1 of Schedule 1 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 described in the corresponding entry in column 2 of that Schedule.

(2) The name "jam" may be used in the labelling or advertising of extra jam as the name of the food and the name "jelly" may be used in the labelling or advertising of extra jelly as the name of the food.

(3) The name "jelly" may be used in the labelling or advertising of a food as the name of the food if the food is a food customarily known as jelly and cannot be confused with any food described in column 2 of Schedule 1.

(4) A name which appears in column 1 of Schedule 1 shall not be used in the labelling or advertising of a food 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 described in the appropriate entry in column 2 of Schedule 1, except that—

(*a*) the name "jam" or "jelly" may be used in the labelling or advertising of a food in such a way as aforesaid if extra jam or extra jelly, as the case may be, is an ingredient of the food, and

(*b*) the name "jelly" may be used in the labelling or advertising of a food in such a way as aforesaid if the food has as an ingredient a food which is customarily known as jelly and which cannot be confused with any food described in column 2 of Schedule 1.

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

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

Name of the food

5.—(1) Subject to the following paragraphs, for the purposes of the Food Labelling Regulations (Northern Ireland) 1981, the name used as the name of the food in the labelling of any food described in column 2 of Schedule 1 shall be the name that appears in the corresponding entry in column 1 of that Schedule.

(2) The name used for extra jam may be "jam" and the name used for extra jelly may be "jelly".

(3) The name used for any marmalade which contains no insoluble matter, or no insoluble matter other than a small quantity of finely sliced peel, may be "jelly marmalade".

(4) The name of the food shall include or be accompanied by—

(*a*) in the case of a food prepared from a single type of fruit, an indication of that type of fruit;

(a) 1952 c. 67

(*b*) in the case of a food prepared from two types of fruit, an indication of those types of fruit in descending order of weight; and

(*c*) in the case of a food prepared from three or more types of fruit—

(i) an indication of those types of fruit in descending order of weight, or

(ii) the words "mixed fruit", or

(iii) the word "fruit" preceded by an indication of the number of types of fruit used in the preparation of the food.

(5) The name of the food shall include or be accompanied by an indication of any ingredient used in the preparation of the food which is specified or referred to in column 1 of Part I of Schedule 2.

(6) The weight referred to in paragraph 4(*b*) and (*c*) is the weight of fruit pulp, fruit purée, fruit juice, fruit peel and aqueous extract of fruit used in the preparation of the food.

The names "conserve" and "preserve"

6.—(1) A person shall not sell any food in the labelling of which the name "conserve" or "preserve" is used unless the food is jam or extra jam.

(2) A person shall not use, in advertising any food for sale, the name "conserve" or "preserve" unless the food is jam or extra jam.

List of ingredients

7.—(1) Notwithstanding regulation 14(1) of the Food Labelling Regulations (Northern Ireland) 1981 (which makes provision as to the name used for an ingredient in a list of ingredients), where any food described in column 2 of Schedule 1 is required by those regulations to be marked or labelled with a list of ingredients—

(*a*) in the case of any such food which is prepared from three or more types of fruit, the word "fruit" may be used in the list of ingredients in place of the names of the types of fruit used in the preparation of the food;

(*b*) in the case of any such food which contains as an ingredient red beetroot juice, that ingredient shall be identified in the list of ingredients as "red beetroot juice to reinforce the colour"; and

(*c*) in the case of any jam which contains as ingredients apricots that have been dried otherwise than by being freeze-dried, those ingredients shall be identified in the list of ingredients as "dried apricots".

(2) A person shall not sell any food described in column 2 of Schedule 1 if it is marked or labelled with a list of ingredients that does not accord with paragraph (1)(*b*) or (*c*).

Miscellaneous labelling requirements

8.—(1) A person shall not sell a food described in column 2 of Schedule 1 unless it is marked or labelled with an indication of the proportion of fruit used in the preparation of the food in the form "prepared with Xg of fruit per 100g", there being inserted in place of "X" the quantity in grams of fruit from which the fruit pulp, fruit purée, fruit juice, fruit peel and aqueous extract of fruit used for every hundred grams of the finished product are derived.

(2) A person shall not sell a food described in column 2 of Schedule 1 unless it is marked or labelled with the words "total sugar content: Yg per 100g", there being inserted in place of "Y" the content in grams of soluble solids in each hundred grams of the food, determined by refractometer at 20°C, the content shown being accurate to ±3% of the refractometer reading.

(3) A person shall not sell prepacked a food described in column 2 of Schedule 1 which has a soluble solids content of less than 63%, other than a reduced sugar product, unless—

(*a*) the food is sold in such a quantity as can reasonably be expected to be consumed on a single occasion; or

(*b*) the food is marked or labelled with the words "keep in a cool place once opened".

(4) A person shall not sell prepacked a reduced sugar product unless—

(*a*) the food is sold in such a quantity as can reasonably be expected to be consumed on a single occasion; or

(*b*) the food is marked or labelled with the words "keep in a cool place once opened"; or

(*c*) the food contains, in accordance with regulation 14, a preservative specified in column 1 of Part II of Schedule 2 in a quantity sufficient to have a preserving effect on the food.

(5) A person shall not sell any marmalade that contains peel unless the marmalade is marked or labelled with an indication of the style of cut of the peel.

(6) A person shall not sell any marmalade that does not contain peel unless the marmalade is marked or labelled with an indication that it does not contain peel.

'(7) This regulation does not apply to—

(*a*) food prepared on domestic premises for sale either by a society registered under the Industrial and Provident Societies Act (Northern Ireland) 1969(**a**) or otherwise than for the profit of the person preparing the food, or

(*b*) food which by virtue of regulation 27 or 28 of the Food Labelling Regulations (Northern Ireland) 1981 (which relate to food for immediate consumption) need not be marked or labelled with the particulars specified in regulation 5 of those regulations (which sets out the general labelling requirement) or with some of those particulars.

Field of vision

9. A person shall not sell a food described in column 2 of Schedule 1 unless the particulars with which it is required to be marked or labelled by regulation 8 appear in the labelling of the food in the same field of vision as—

(*a*) the name of the food,

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

(*c*) 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.

Manner of marking or labelling

10. 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 food is required to be marked or labelled by regulation 8 as if those particulars were particulars with which food is required to be marked or labelled by the Food Labelling Regulations (Northern Ireland) 1981.

Fruit

11.—(1) A person shall not use in the preparation of a food described in column 2 of Schedule 1 any fruit unless it contains all its essential constituents and is sound, free from deterioration and sufficiently ripe for such use.

(**a**) 1969 c. 24 (N.I.)
(**b**) S.I. 1981/231 (N.I. 10)