1977 No. 182

FOOD AND DRUGS

Composition and Labelling

Fruit Juices and Fruit Nectars Regulations (Northern Ireland) 1977

Made	*29th June* 1977
Coming into operation	
Regulations 1, 2 *and* 18 . .	*29th August* 1977
Remainder	*17th November* 1978

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 Fruit Juices and Fruit Nectars Regulations (Northern Ireland) 1977 and shall come into operation as respects regulations 1, 2 and 18 on 29th August 1977 and as respects the remainder on 17th November 1978.

Interpretation

2.—(1) In these regulations—

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

"anti-foaming agent" has the meaning assigned to it by the Miscellaneous Additives in Food Regulations (Northern Ireland) 1974(**d**), as amended(**e**);

"the Community" means the European Economic Community;

"concentrated fruit juice" means fruit 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 dried fruit juice;

"concentrated fruit purée" means fruit purée which has been concentrated by the removal of part of its water;

"container" includes any form of packaging of food for sale as a single item, whether by way of wholly or partly enclosing the food or by way of attaching the food to some other article, and in particular includes a wrapper or confining band;

"Department" means the Department of Health and Social Services;

(**a**) *See* S.R. & O. (N.I.) 1964 No. 205 (p. 937) art. 5 and Sch. 2 Part I and 1973 c. 36 s. 40 and Sch. 5 para. 8
(**b**) Added by S.R. & O. (N.I.) 1972 No. 363 (p. 1767)
(**c**) 1958 c. 27 (N.I.)
(**d**) S.R. 1974 No. 196 (I, p. 831)
(**e**) There is no amendment which relates expressly to the subject matter of these regulations

"district council" means a council established under the Local Government Act (Northern Ireland) 1972(f);

"dried fruit juice" means fruit juice which has been concentrated to the form of powder, granule or solid by the removal of water;

"food" means food intended for sale for human consumption and includes drink, chewing gum and other products of a like nature and use, and articles and substances used as ingredients in the preparation of food or drink or of such products, but does not include—

(*a*) water, live animals or birds,

(*b*) fodder or feeding stuffs for animals, birds or fish, or

(*c*) articles or substances used only as drugs;

"fruit" means fruit, of a suitable degree of ripeness, fresh or preserved by chilling, sound, free from deterioration and containing all the essential constituents needed for the production of juices and nectars, but does not include rhubarb or tomatoes;

"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

(*b*) 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

(*c*) 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;

"fruit nectar" means the food consisting of the fermentable but unfermented product which is obtained by the addition of water and sugar to fruit juice, concentrated fruit juice, fruit purée, concentrated fruit purée or an admixture of these products and which contains not less than the quantity of acid specified in column 2 of Schedule 1 in relation to the fruit specified in column 1 of that Schedule from which it is obtained and not less than the quantity of fruit juice or fruit purée or of fruit juice and fruit purée specified in column 3 of Schedule 1 in relation to such fruit, so however that—

(*a*) the added sugar content, calculated as dry matter, shall not exceed 20 per centum by weight of the finished product;

(*b*) the product obtained exclusively from fruit purée or concentrated fruit purée or an admixture thereof may contain, instead of added sugar, honey in a proportion not exceeding 20 per centum by weight of the finished product;

(*c*) the product obtained exclusively from fruit purée or concentrated fruit purée or an admixture thereof obtained from peaches or pears may contain added sugar and honey together in a proportion not exceeding 20 per centum by weight of the finished product, the added sugar content being calculated as dry matter;

(f) 1972 c. 9 (N.I.)

(*d*) the percentages specified in column 2 of Schedule 1 in relation to apricots and strawberries shall not apply to the product obtained exclusively from fruit purée or concentrated fruit purée or an admixture thereof;

"fruit purée" means the fermentable but unfermented product obtained by sieving the entire edible part of whole or peeled fruit;

"honey" has the meaning assigned to it by the Honey Regulations (Northern Ireland) 1976(**g**);

"permitted acid" means any acid in so far as its use is permitted by the Miscellaneous Additives in Food Regulations (Northern Ireland) 1974, as amended;

"permitted anti-foaming agent" means any anti-foaming agent in so far as its use is permitted by the Miscellaneous Additives in Food Regulations (Northern Ireland) 1974, as amended;

"permitted preservative" means any preservative in so far as its use is permitted by the Preservatives in Food Regulations (Northern Ireland) 1975(**h**), as amended(**i**);

"sell" includes offer or expose for sale or have in possession for sale, and "sale" and "sold" shall be construed accordingly;

"sell by retail" means sell to a person buying otherwise than for the purpose of re-sale, but does not include selling to a caterer for the purpose of his catering business or to a manufacturer for the purposes of his manufacturing business; and "sale by retail" and "sold by retail" shall be construed accordingly;

"sugar" means, for the purposes of the preparation of dried fruit juice or fruit juice other than fruit juice obtained from concentrated fruit juice, any product specified in Part I of Schedule 2 as read with Part III of that Schedule and, for the purposes of the preparation of concentrated fruit juice, fruit juice obtained from concentrated fruit juice or fruit nectar, any product specified in Part II of that Schedule as read with Part III thereof;

and other expressions shall have the same meaning as in the Act.

(2) Any permitted preservative specified in columns 3 and 4 of Part I of Schedule 1 to the Preservatives in Food Regulations (Northern Ireland) 1975, as amended, as an alternative form of the permitted preservative sulphur dioxide E220, may be used in place of that permitted preservative, if calculated as that permitted preservative, and any reference in these regulations to the permitted preservative sulphur dioxide shall be construed accordingly.

(3) Any reference to a label borne on a container shall be construed as including a reference to any legible marking on the container however effected.

(4) For the purpose 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, and references to purchasing and purchasers shall be construed accordingly.

(**g**) S.R. 1976 No. 387
(**h**) S.R. 1975 No. 277 (II, p. 1291)
(**i**) The relevant amending rules are S.R. 1976 No. 368 and S.R. 1977 No. 139

Exemptions

3.—(1) The following provisions shall not apply to any fruit juice, concentrated fruit juice, dried fruit juice or fruit nectar—

(*a*) sold, consigned or delivered for exportation to any place outside the United Kingdom; or

(*b*) 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(j).

(2) The following provisions, other than the provisions of regulations 4, 9, 12 and 13 shall not apply—

(*a*) to any concentrated fruit juice specially prepared for infants and children and bearing on a label on its container a clear statement that it is intended for infants and children; or

(*b*) to any unfermented grape juice product intended exclusively for sacramental use and bearing on a label on its container a clear statement that it is so intended.

General restrictions on the use of specified descriptions

4. A person shall not—

(*a*) give with any food sold by him any label, whether attached to or borne on the container or not, or display with any food offered or exposed by him for sale any ticket or notice, or

(*b*) publish, or be a party to the publication of, any advertisement for food,

which bears or includes any description in the form "X juice", "concentrated X juice", "dried X juice" or "X nectar", in which there has been inserted at X the name of a fruit, or any derivative thereof or any word or description substantially similar thereto unless—

(i) such food is fruit juice, concentrated fruit juice, dried fruit juice or fruit nectar, as the case may be, and is derived from the fruit indicated, or

(ii) such description, derivative or word is used in such a context as to indicate explicitly or by clear implication that the substance to which it relates is an ingredient of that food, or

(iii) such description, derivative or word is used in such a context as to indicate explicitly or by clear implication that such food is not fruit juice, concentrated fruit juice, dried fruit juice or fruit nectar and does not contain any.

Labelling and description of fruit juice, concentrated fruit juice, dried fruit juice and fruit nectar

5.—(1) Subject to paragraph (8) a person shall not sell or consign or deliver pursuant to a sale any food mentioned in paragraph (5) in a container unless there appears on a label marked on, or securely attached to, the container a true statement in compliance with this regulation.

(2) The said statement shall specify the description "X juice", "concentrated X juice", "dried X juice" or "X nectar", as the case may be, there being inserted at X the name of the fruit from which the food is derived, so however that—

(j) 1952 c. 67

(*a*) in relation to a food derived from two or more kinds of fruit, the name of each fruit, other than lemons where lemon juice has been added in place of citric acid in accordance with paragraph (*f*) of the proviso to regulation 11, shall appear in descending order of quantity;

(*b*) in the case of dried fruit juice, the word "dried" may be accompanied or replaced by the word "freeze-dried" or by any other similar word or expression intended to describe the drying process.

(3) The said statement shall, in relation to any food referred to in any of the following sub-paragraphs, also include any declaration specified in that sub-paragraph for that food:—

(*a*) for fruit juice obtained wholly or partly from concentrated fruit juice, the declaration "made with concentrated X juice", the declaration being completed by inserting at X the name of the fruit from which the concentrated fruit juice was obtained;

(*b*) for fruit nectar obtained exclusively from fruit purée or concentrated fruit purée or an admixture thereof, the declaration "contains fruit pulp" or any other declaration substantially similar thereto;

(*c*) for concentrated fruit juice sold by retail or consigned or delivered pursuant to a sale by retail, a declaration containing clear and precise instructions as to the manner in which the concentrated fruit juice is to be diluted to obtain fruit juice and expressly providing for a dilution ratio of not less than one part of water to one part of the concentrated fruit juice;

(*d*) for dried fruit juice, a declaration containing clear and precise instructions as to the manner in which the dried fruit juice is to be reconstituted;

(*e*) for concentrated fruit juice sold otherwise than by retail or consigned or delivered pursuant to a sale otherwise than by retail, a declaration specifying the degree of concentration;

(*f*) for fruit nectar, without prejudice to sub-paragraph (*b*), the declaration "fruit content X % minimum", the declaration being completed by inserting at X the minimum content of fruit juice or fruit purée or any admixture thereof;

(*g*) for fruit juice or fruit nectar containing carbon dioxide in a proportion exceeding 2 grammes per litre, the declaration "carbonated";

(*h*) for fruit juice, concentrated fruit juice or dried fruit juice containing added sugar in a proportion, after dilution or reconstitution if appropriate, exceeding 15 grammes per litre, calculated as dry matter, the declaration "sweetened" and a declaration of the maximum quantity of added sugar, calculated as dry matter and expressed as grammes per litre or grammes per litre after dilution or reconstitution, as the case may be:

Provided that the maximum quantity of added sugar so declared may exceed the actual quantity added, calculated and expressed as aforesaid, by not more than 15 per centum;

(*i*) for fruit nectar obtained exclusively from fruit purée or concentrated fruit purée or an admixture thereof and containing honey, the declaration "contains honey":

Provided that such declaration shall not be included in the statement if the fruit nectar also contains added sugar;