

Subsidiary Legislation made under ss.6, 8 and 58.

## **Soft Drinks Regulations**

### **LN.1971/024**

		<i>Commencement</i>	<b>1.4.1971</b>
Amending enactments	Relevant current provisions	Commencement date	
LN. 1971/024 <sup>1</sup>	rr. 4(3), 6A, 11, 13		
1987/049	rr. 2, 4(1)-(5), 6A, 11, 13-14, 15(2), Sch. 4		1.8.1987

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<sup>1</sup> Amended by LN.1978/063

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**Title.**

1. These regulations may be cited as the Soft Drinks Regulations.

**Interpretation.**

2. In these regulations, unless the context otherwise requires,—

“carbohydrate” means a substance containing carbon, hydrogen and oxygen only in which the hydrogen and oxygen occur in the same proportion as in water;

“comminuted citrus drink” means a soft drink produced by a process involving the comminution of the entire citrus fruit;

“container” means any vessel, can, box or carton capable of containing a soft drink which is, has been or is capable of being, closed and includes any kind of bottle, but does not include any counter dispenser or vending machine or any unclosed cup, mug, glass or other unclosed drinking vessel;

“crush” means a soft drink containing fruit juice, not being a comminuted citrus drink, intended for consumption without dilution and includes any cordial intended for consumption without dilution;

“potable fruit content” means the total of the fruit constituents of a soft drink derived from the juice, pith and peel;

“printing” includes the processes of embossing and firing-on, and “printed.” shall be construed accordingly;

“retail sale” means any sale to a person buying otherwise than for the purpose of re-sale, but does not include a sale to a caterer for the purposes of his catering business, or a sale to a manufacturer for the purposes of his manufacturing business;

“saccharin” includes sodium saccharin and calcium saccharin;

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

“soft drink” means any liquid intended for sale as drink for human consumption, either without or after dilution, and includes—

- (a) any fruit drink, and any fruit juice squash, crush or cordial;

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- (b) soda water, Indian or quinine tonic water, and any sweetened artificially carbonated water whether flavoured or unflavoured;
- (c) ginger beer and any herbal or botanical beverage; but does not include—
  - (i) water (except as aforesaid);
  - (ii) water from natural springs, either in its natural state or with added mineral substances;
  - (iii) fruit juice, concentrated fruit juice, dried fruit juice, or fruit nectar as defined in the Fruit Juices and Fruit Nectars Regulations 1987;
  - (iv) milk or any preparation of milk;
  - (v) tea, coffee, dandelion coffee, cocoa or chocolate, or any preparation of tea, coffee, dandelion coffee, cocoa or chocolate;
  - (vi) any egg product;
  - (vii) any cereal product, except—
    - (aa) flavoured barley water and liquid products used in the preparation of barley water, and
    - (ab) cereal products containing alcohol, which are not intoxicating liquor as defined in accordance with sub-paragraph (x) hereof;
  - (viii) meat, yeast or vegetable extracts, soup or soup mixtures, or any similar product;
  - (ix) tomato juice, vegetable juice, or any preparation of any such juice or juices;
  - (x) intoxicating liquor as defined in the Licensing and Fees Act;
  - (xi) any other unsweetened drink except soda water;

and for the purposes of this definition a product shall not be deemed not to be a soft drink by reason only of the fact that it is capable of being used as a medicine;

“squash” means a soft drink containing fruit juice, not being a comminuted citrus drink, intended for consumption after dilution and includes any cordial intended for consumption after dilution;

“sugar” means any soluble carbohydrate sweetening matter;

“sweetened” means containing any added sugar or added sweetener; and “unsweetened” shall be construed accordingly.

“Sweetener” has the meaning assigned to it by regulation 2(1) of Sweeteners in Food Regulations 1987.

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

(3) For the purposes of these regulations, the supply of any drink, otherwise than by sale, at, in or from any place where drink is supplied in the course of a business shall be deemed to be a sale of that drink, and any reference to a purchaser shall be construed accordingly.

(4) Any reference in these regulations to any order or other regulations shall be construed as a reference to such order or regulations as amended by any subsequent order or regulations, and if any order or regulations referred to in these regulations is or are replaced by any subsequent order or regulations, the reference shall be construed as a reference to such subsequent order or regulations, as the case may be.

#### **Exemptions.**

3.(1) The following provisions of these regulations shall not apply—

- (a) in relation to any sale, consignment or delivery of a soft drink to a manufacturer for the purposes of his manufacturing business;
- (b) in relation to any sale of a soft drink otherwise than in a container.

(2) The provisions of regulations 6 to 10 inclusive, 12 and 13 shall not apply in relation to any sale, other than a retail sale, of any soft drink in a container containing more than one gallon.

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(2) Subject to the following provisions of this regulation, any soft drink intended for consumption without dilution which is of a description included in Part I of Schedule 2 or Part I of Schedule 3 shall conform to the requirements as to composition set out in relation thereto in the relevant Part I as respects the fruit juice or potable fruit content, as the case may be, the quantities of added sugar and saccharin therein, and the other requirements therein specified:

Provided that—

- (a) any soft drink (other than soda water) intended for consumption without dilution which is of a description included in Part I of Schedule 2 may contain up to a maximum quantity of saccharin specified in column 4 of Part II of the said Schedule if that soft drink also contains not less than 22 ½ pounds of sugar per 10 gallons;
- (b) if any soft drink to which this paragraph applies is subjected to brewing in the course of its manufacture, allowance shall be made, in assessing the minimum quantity of added sugar therein, for any change in sugar content due to fermentation during such brewing.

(3) Subject to the following provisions of this regulation, any soft drink intended for consumption after dilution which is of a description included in Part II of Schedule 2 or Part II of Schedule 3 to these Regulations shall as respects the fruit juice or potable fruit content, as the case may be, and the quantities of added sugar and saccharin therein either conform to the requirements as to composition set out in relation thereto in the relevant Part II or be of such composition that after dilution in accordance with the instructions referred to in regulation 6A of these regulations it conforms to the requirements as to composition set out in Part I of Schedule 2 or Part I of Schedule 3 to these regulations in relation to the corresponding soft drink intended for consumption without dilution.

(4) No soft drink intended for consumption, without or after dilution, by persons suffering from diabetes shall contain any added sugar and no provision of these regulations specifying a maximum quantity of saccharin shall apply in relation to any such soft drink.

(5) Any soft drink intended for consumption, without or after dilution, as a low calorie soft drink shall, in addition to conforming to the relevant requirements as respects the fruit juice or potable fruit content, as the case may be, comply with a maximum calorie content as follows:-

- (a) if intended for consumption after dilution it shall contain not more than 7.5 calories per fluid ounce;
- (b) if intended for consumption without dilution it shall contain not more than 1.5 calories per fluid ounce:

Provided that provisions of these regulations specifying a minimum quantity of added sugar or a maximum quantity of saccharin shall not apply in relation to any such soft drink.

(6) No person shall sell any drink under such a description as to lead an intending purchaser to believe that he is purchasing a soft drink to which subregulation (2), (3), (4) or (5) applies unless the drink complies with the appropriate requirements as to composition set out in those paragraphs in relation to that soft drink.

(7) Where a person sells any drink to a purchaser in response to a request for a soft drink to which subregulation (2), (3), (4) or (5) applies, he shall be deemed to sell that soft drink and under such a description as is specified in subregulation (6) unless he clearly notifies the purchaser at the time of sale that the drink is not that soft drink.

**Addition of acids to soft drinks.**

5.(1) Subject to the provisions of these regulations and save as hereinafter provided, no soft drink shall contain any added acid:

Provided that—

- (a) any soft drink may contain ascorbic acid, citric acid, lactic acid, malic acid, nicotinic acid, tartaric acid and any acid in so much as the use of that acid in that soft drink is permitted by the Preservatives in Food Regulations or the Colouring Matter in Food Regulations;
- (b) any soft drink other than a fruit squash, a fruit crush or a comminuted citrus drink may contain acetic acid and phosphoric acid.

(2) No person shall sell, consign or deliver any soft drink which does not comply with this regulation.

**Labelling of soft drinks.**

6.(1) Subject to the provisions of these regulations, no person shall sell, consign or deliver any citrus squash (whether or not it contains a bitter principle) in a container unless that container bears a label on which there appears as the description of that citrus squash the word “squash” immediately preceded by the name of the appropriate citrus fruit or fruits:

Provided that—

- (a) in the case of any clear citrus squash other than a clear squash made from lime juice, the word “cordial” may be substituted for the word “squash” on the label;

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- (b) in the case of a clear squash made from lime juice the words “lime juice cordial” shall appear on the label as a description of that drink;
- (c) in the case of any squash prepared from citrus juice and barley water and from no other fruit juice, the words “barley water” immediately preceded by the name of the appropriate citrus fruit or fruits shall appear on the label as a description of that drink.

(2) Subject to the provisions of these regulations, no person shall sell, consign or deliver any citrus crush (whether or not it contains a bitter principle) in a container unless that container bears a label on which there appears as the description of that citrus crush the word “crush” immediately preceded by the name of the appropriate citrus fruit or fruits:

Provided that—

- (a) in the case of any clear citrus crush, the word “cordial” may be substituted for the word “crush” on the label;
- (b) in the case of any crush prepared from citrus juice and barley water and from no other fruit juice, the words “barley crush” immediately preceded by the name of the appropriate citrus fruit or fruits shall appear on the label as a description of that drink.

(3) Subject to the provisions of these regulations, no person shall sell, consign or deliver any comminuted citrus drink (whether or not it contains a bitter principle) in a container unless that container bears a label on which there appears as the description of that comminuted citrus drink the word “drink” immediately preceded by the name of the appropriate citrus fruit or fruits:

Provided that in the case of any comminuted citrus drink prepared from comminuted citrus fruit and barley water and from no other fruit, the words “barley drink” immediately preceded by the name of the appropriate citrus fruit or fruits shall appear on the label as a description of that drink.

6A. Subject to the provisions of these regulations, no person shall sell, consign, or deliver in a container any soft drink intended for consumption after dilution, which is of a description included in Part II of Schedule 1 or Part II of Schedule 2 and does not conform to the requirements as to composition set out in relation thereto in the relevant Part II as respects the fruit juice or potable fruit content, as the case may be, and the quantities of added sugar and saccharin therein, unless that container bears a label on which there appear clear and precise instructions as to the manner in which the drink is to be diluted and the instructions expressly provide for a dilution ratio of not less than four parts of water to one part of the drink.

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**Restriction on sale of soft drinks.**

7.(1) No person shall sell, consign or deliver any soft drink, which does not comply with the compositional requirements of these regulations as respects fruit juice or potable fruit content, in a container bearing a label on which there appears—

- (a) any pictorial device suggestive of any fruit or fruits;
- (b) any word suggestive of any fruit or fruits not represented in the flavouring of that drink.

(2) Subject to the provisions of these regulations, no person shall sell, consign or deliver any soft drink which does not comply with compositional requirements as respects fruit juice or potable fruit content, in a container bearing a label on which any word suggestive of any fruit is used in relation to that drink unless that label also bears, equally conspicuously and legibly either—

- (a) a word comprising the name of the fruit so suggested followed by the suffix “ade”;  
or
- (b) where appropriate, a phrase consisting of the names of the fruits so suggested with the suffix “ade” added to the end of the last of such names; or
- (c) the word “flavour” immediately preceded by the name or names of the fruit or fruits so suggested.

**Sale of semi-sweet soft drinks.**

8. Subject to the provisions of these regulations, no person shall sell, consign or deliver in a container any soft drink as a semi-sweet soft drink unless there appears on the label of that container the words “semi-sweet” immediately preceding the description of that soft drink.

**Diabetic drinks to be labelled.**

9. Subject to the provisions of these regulations, no person shall sell, consign or deliver in a container any soft drink as a drink for consumption by persons suffering from diabetes unless there appears on the label of that container the word “diabetic” immediately preceding the description specified in these regulations for that soft drink, or where no description is so specified, there shall appear conspicuously on the label the words “diabetic drink”.

**Low calorie drinks to be labelled.**

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10. Subject to the provisions of these regulations, no person shall sell, consign or deliver in a container any soft drink as a low calorie soft drink unless there appears on the label of that container the words “low calorie” in conjunction with the description prescribed by these regulations, where applicable, and otherwise the descriptive name of that soft drink.

**Sale from vending machines.**

11. No person shall sell in or from any vending machine any soft drink whether in a container or not, unless there appears in clear lettering in a prominent position on the front of that vending machine a declaration giving the description specified in these regulations for the soft drink which is offered or exposed for sale, where applicable, and otherwise the descriptive name of that soft drink and where such soft drink contains saccharin the declaration shall also include the expression “saccharin added” or “contains saccharin” or where appropriate, any one of the following expressions—

- (a) ‘saccharin and sugar added’;
- (b) ‘sugar and saccharin added’;
- (c) ‘contains saccharin and sugar’;
- (d) ‘contains sugar and saccharin’;
- (e) ‘sweetened with sugar and saccharin’;
- (f) ‘sweetened with saccharin and sugar’:

Provided that the said description or descriptive name need not be included in the said declaration if a label on a container of the soft drink dispensed from the vending machine, or an exact facsimile of such label, bearing the said description, where applicable, and otherwise the said descriptive name is conspicuous and legible to an intending purchaser on or through the outside of the vending machine.

12. *Revoked.*

**Size of lettering.**

13.(1) All letters, words and instructions required by regulations 6, 6A, 7(2), 8, 9 and 10 hereof to appear on a label on a container or required by regulation 11 hereof to appear on a vending machine shall be easy to understand, clearly legible and indelible and, on a retail sale, shall be marked in a conspicuous place in such a way as to be easily visible.

(2) Such letters, words and instructions shall not in any way be hidden, obscured or interrupted by any other written or pictorial matter.

**Penalties.**

14. A person who contravenes any of the foregoing provisions of these regulations is guilty of an offence and is liable on summary conviction to a fine not exceeding £1,000.

**Application of various sections of Act.**

15.(1) Sections 46(2) and (3)(which relate to prosecutions), 47(1) and (2)(which relate to evidence of analysis), 49 (which relates to the power of a court to require analysis by the Government Chemist in the United Kingdom), 50 (which relates to a contravention due to some person other than the person charged), 51(2)(which relates to the conditions under which a warranty may be pleaded as a defence) and 52 (which relates to offences in relation to warranties and certificates of analysis) of the Act shall apply for the purposes of these regulations as if references therein to proceedings, or a prosecution, under or taken or brought under the Act included references to proceedings, or a prosecution as the case may be, taken or brought for an offence under these regulations and as if the reference in section 49 to section 46(3) included a reference to that subsection as applied by these regulations.

(2) *Revoked.*

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**SCHEDULE 1.**

Regulation 4.

PERMITTED ARTIFICIAL SWEETENERS.

1. *Saccharin*

Saccharin is the substance conforming to the description, specifications and requirements for saccharin contained in the British Pharmacopoeia 1968.

2. *Saccharin calcium*

Saccharin calcium is the calcium derivative of 2-sulphobenzoicimide with 3 1/2 molecules of water of crystallization. It contains not less than 98 per cent. of  $C_{14}H_8CaN_2O_6S_2$  calculated with reference to the substance dried to constant weight at 105°C.

Description	White crystals or white crystalline powder, odour faintly aromatic, taste intensely sweet.
Solubility	1 g. dissolves in 1.5 g. water.
Loss on drying	When dried to constant weight at 105°C, loses not less than 11 per cent and not more than 15 per cent of its weight.
Ammonium compounds	Complies with the test given under Saccharin in the British Pharmacopoeia 1968.
4-Sulphamoylbenzoates	Complies with the test given under Saccharin Sodium in the British Pharmacopoeia 1968.

3. *Saccharin Sodium*

Saccharin sodium is the substance conforming to the description, specifications and requirements for saccharin sodium contained in the British Pharmacopoeia 1968.

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SCHEDULE 2

PART 1

**Requirements as to composition for soft drinks, other than semi-sweet soft drinks for consumption without dilution.**

The requirements as to the composition for soft drinks, other than any soft drink sold as semi-sweet soft drink, for consumption without dilution shall be those shown in the table below.

TABLE

Column 1	Column 2	Column 3	Column 4	Column 5
Description of soft drink	Minimum quantity of fruit juice (expressed in terms of juice of natural strength) or potable fruit content, as the case may be	minimum quantity of added sugar per 10 gallons	Maximum quantity of permitted artificial sweetener per 10 gallons  Saccharin	Other requirements as to composition
Citrus juice and barley water	3% citrus fruit juice by volume	4½ lb	56 grains	
Lime crushes, lime juice and soda	3% citrus fruit juice by volume	4½ lb	56 grains	
Citrus crushes (including citrus crushes containing a bitter principle) not otherwise specified in this part of the Schedule	5% citrus fruit juice by volume	4½ lb	56 grains	
Any description of soft drink containing a mixture of		4½ lb	56 grains	

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citrus and non-citrus fruit juices not otherwise specified in this part of this schedule	5% fruit juice by volume			
Comminuted citrus fruits and barley drinks	1½lb potable citrus fruit content per 10 gallons	4½ lb	56 grains	
Comminuted citrus drinks (including comminuted citrus drink containing a bitter principle or any citrus or non-citrus juice) not otherwise specified in this part of this schedule	2lb potable citrus fruit content per 10 gallons	4½ lb	56 grains	
Any description of soft drink containing fermented apple juice or fermented pear juice.	5% fermented apple juice or fermented pear juice by volume	4½ lb	56 grains	
Any other description of soft drink containing fruit juice not otherwise specified in this Part of this Schedule	5% fruit juice by volume	4½ lb	56 grains	

Indian or quinine tonic water	–	4½ lb	56 grains	to contain not less than ½ grain of quinine (calculated as quinine sulphate B.P.) per pint
Soda water	–	–	–	To contain not less than 5 grains of sodium bicarbonate per pint
Dry ginger ale	–	3lb	56 grains	
Brewed ginger beer and herbal and botanical beverages	–	2lb	80 grains	
Any description of soft drink (except those mentioned in Part II of this Schedule) not otherwise specified in this Part of this Schedule	–	4½ lb	56 grains	

## PART II

**Requirements as to composition for soft drinks, other than semi-sweet soft drinks for consumption without dilution.**

The requirements as to the composition for soft drinks, other than any soft drink sold as semi-sweet soft drink, for consumption after dilution shall be those shown in the table below.

TABLE

Column 1	Column 2	Column 3	Column 4
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Description of soft drink	Minimum quantity of fruit juice (expressed in terms of juice of natural strength) or potable fruit content, as the case may be	minimum quantity of added sugar per 10 gallons	Maximum quantity of permitted artificial sweetener per 10 gallons <hr/> Saccharin
Citrus juice and barley water	15% fruit juice by volume	22 ½lb	280 grains
Lime crush and barley water	3% juice by volume	4½ lb	56 grains
Citrus squashes (including citrus squashes containing a bitter principle) no other wise specified in this Part of this Schedule	25% fruit juice by volume	22 ½lb	280 grains
Any description of soft drink containing a mixture of citrus and non citrus fruit juices not otherwise specified in this part of this schedule	25% fruit juice by volume	22 ½lb	280 grains
Comminuted citrus fruit and barley drinks	7lb potable citrus fruit content per 10 gallons	22 ½lb	280 grains
Comminuted citrus drinks (including comminuted citrus drink containing a bitter principle or any citrus or non-citrus juice) not otherwise specified in this part of this schedule	10lb potable citrus fruit content per 10 gallons	22 ½lb	280 grains
Non citrus fruit squashes	10% non-citrus fruit juice by volume	22 ½lb	280 grains

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Any description of soft drink (except those mentioned in Part I of the Schedule) not otherwise specified in this part of this Schedule	—	22 ½lb	280 grains
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**SCHEDULE 3.**

Regulation 4

**PART I**

**REQUIREMENTS AS TO COMPOSITION FOR SEMI-SWEET SOFT DRINKS FOR CONSUMPTION WITHOUT DILUTION**

The requirements as to composition for soft drinks, sold as semi-sweet soft drinks, for consumption without dilution shall be those shown in the table below.

**TABLE**

Column 1	Column 2	Column 3		Column 4
Description of semi-sweet soft drink	Minimum quantity of fruit juice (expressed in terms of juice of natural strength) or potable fruit content, as the case may be	Quantity of added sugar per 10 gallons		Maximum quantity of permitted artificial sweetener per 10 gallons
		Minimum	Maximum	Saccharin
Citrus juice and barley water	3% citrus fruit juice by volume	2 ¼lb	3lb	28 grains
Lime crushes, lime juice and soda	3% lime juice by volume	2 ¼lb	3lb	28 grains
Citrus squashes (including citrus squashes containing a bitter principle) no other wise specified in this Part of this Schedule	5% citrus fruit juice by volume	2 ¼lb	3lb	28 grains
Any description of soft drink containing a mixture of citrus and non-citrus fruit juices not	5% fruit juice by volume	2 ¼lb	3lb	28 grains

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otherwise specified in this part of this Schedule				
Comminuted citrus fruit and barley drinks	1 ½ lb potable citrus fruit content per 10 gallons	2 ¼ lb	3lb	28 grains
Comminuted citrus drinks (including comminuted citrus drink containing a bitter principle or any citrus or non-citrus juice) not otherwise specified in this part of this Schedule	5% fruit juice by volume	2 ¼ lb	3lb	28 grains
Any description of soft drink (except those mentioned in Part I of the Schedule) not otherwise specified in this part of this Schedule	5% fruit juice by volume	2 ¼ lb	3lb	28 grains

**PART II**

**Requirements as to the composition for semi-sweet soft drinks for consumption after dilution.**

The requirements as to composition for soft drinks, sold as semi-sweet soft drinks, for consumption after dilution shall be those shown in the table below.

**TABLE**

Column 1	Column 2	Column 3	Column 4
Description of semi-sweet soft drink	Minimum quantity of fruit juice (expressed in terms of natural strength)	Quantity of added sugar per 10 gallons	Maximum quantity of permitted artificial sweetener per 10 gallons

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	or potable fruit content, as the case may be			
		Minimum	Maximum	Saccharin
Citrus juice and barley water	15% citrus fruit juice by volume	11¼ lb	15lb	140 grains
Citrus squashes (including citrus squashes containing a bitter principle) no other wise specified in this Part of this Schedule	25% citrus fruit juice by volume	11¼ lb	15lb	140 grains
Any description of soft drink containing a mixture of citrus and non-citrus fruit juices not otherwise specified in this part of this Schedule	25% fruit juice by volume	11¼ lb	15lb	140 grains
Comminuted citrus fruit and barley drinks	7lb potable citrus fruit content per 10 gallons	11¼ lb	15lb	140 grains
Comminuted citrus drinks (including comminuted citrus drink containing a bitter principle or any citrus or non-citrus juice) not otherwise specified in this part of this Schedule	10lb potable citrus fruit content per 10 gallons	11¼ lb	15lb	140 grains
Non-citrus fruit squashes		11¼ lb	15 lb	140 grains

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	10% non-citrus fruit juice by volume			
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