

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

Honey Regulations, 1987

LN.1987/024

Commencement

1.8.1987

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Title and Commencement.

1.(1) These regulations may be cited as the Honey Regulations, 1987.

(2) These regulations shall come into operation on the 1st day of August, 1987.

Interpretation.

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

“blossom honey” means honey produced wholly or mainly from the nectar of blossoms;

“brood” means any immature stage of the honeybee including the egg, larva and pupa and any honeybee which has not emerged from its cell in a honeycomb;

“chunk honey” means honey which contains at least one piece of comb honey;

“comb honey” means honey stored by honeybees in the cells of freshly built broodless combs and intended to be sold in sealed whole combs or in parts of such combs;

“the Community” means the European Economic Community;

“container” includes any form of packaging of honey for sale as a single item, whether wholly or only partly enclosing the honey;

“drained honey” means honey obtained by draining uncapped broodless honeycombs;

“extracted honey” means honey obtained by centrifuging uncapped broodless honeycombs;

“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 and drink or of such products, but does not include—

(a) water, live animals or birds,

(b) fodder or feedingstuffs for animals, birds or fish, or

(c) articles or substances used only as drugs;

“fresh built broodless combs” means freshly built broodless honeycombs in which no brood has ever been reared;

“honey” means the fluid, viscous or crystallised food which is produced by honeybees from the nectar of blossoms, or from secretions of, or found on, living parts of plants other than blossoms, which honeybees collect, transform, combine with substances of their own and store and leave to mature in honeycombs;

“honeybee” means any member of the species of the genus *Apis*;

“honeydew honey” means honey, the colour of which is light brown, greenish brown, black or any intermediate colour, produced wholly or mainly from secretions of or found on living parts of plants other than blossoms;

“human consumption” includes use in the preparation of food for human consumption;

“the Act” means the Food and Drugs Act;

“plant” includes any tree or shrub;

“pressed honey” means honey obtained by pressing broodless honeycombs with or without the application of moderate heat;

“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 purposes 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;

AND other expressions have the same meaning as in the Act.

(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) Unless the context otherwise requires, all proportions mentioned in these regulations are proportions calculated by weight of the product as sold.

(4) Any reference in these regulations to diastase activity or hydroxy-methylfurfural content shall be construed as a reference to such activity or content as determined at any time after processing or blending and, subject thereto, any such reference to diastase activity shall be construed as a reference to such activity as determined in accordance with the method set out in Schedule 1.

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(5) For the purpose of these regulations, the supply of food, otherwise than for 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.

(6) Any reference in these regulations to any other regulations shall be construed as a reference to such regulations as amended by any subsequent regulations.

(7) Any reference in these regulations to a numbered regulation or schedule shall, unless the reference is to a regulation of or schedule to specified regulations, be construed as a reference to the regulation or schedule bearing that number in these regulations.

Exemptions.

3. The following provisions of these regulations shall not apply to any honey sold, consigned or delivered for exportation to any place outside Gibraltar.

Composition and preparation of honey.

4.(1) Any honey sold, consigned or delivered shall comply with the appropriate requirements as to composition set out in Schedule 2 in relation to that honey.

(2) No person shall sell, consign or deliver any honey in contravention of paragraph (1) of this regulation.

(3) No person shall add to any honey intended for sale as such any food or substance other than honey.

(4) No person shall sell, consign or deliver any honey to which any food or substance has been added in contravention of paragraph (3) of this regulation.

(5) No person shall sell, consign or deliver as such any honey which is not as far as practicable free from mould, insect debris, brood or any other organic or inorganic substance foreign to the composition of honey.

(6) No person shall sell, consign or deliver any honey which has an artificially changed acidity.

Use of honey as an ingredient in the preparation of food.

5.(1) No person shall use as an ingredient in the preparation of food any honey which is not as far as practicable free from mould, insects, insect debris, brood or any other organic or inorganic substance foreign to the composition of honey.

(2) No person shall sell, consign or deliver any food in the preparation of which any honey has been used as an ingredient in contravention of this regulation.

General restrictions on the use of the word or description 'honey'.

6. No person shall—

- (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 the word or description 'honey' or any derivative thereof or any word or description substantially similar thereto unless—
 - (i) such food is honey which complies with the appropriate requirements as to composition having effect in relation thereto by virtue of these regulations and, if it is described as such, is blossom honey, honeydew honey, comb honey, chunk honey, drained honey, extracted honey or pressed honey, as the case may be, 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 either is not, or does not contain honey.

Labelling and description of honey.

7.(1) Subject to paragraph (5) of this regulation, no person shall sell or consign or deliver pursuant to a sale any honey 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 in every case the description 'honey' immediately preceded—

- (a) in the case of comb honey or chunk honey, by the word 'comb' or the word 'chunk', as the case may be:
- (b) in any of the cases referred to in paragraph (3) of this regulation, by the word 'baker's' or 'industrial'.

- (3) The cases referred to in sub-paragraph (b) of paragraph (2) of this regulation are—
- (a) where the honey to which the statement relates, being heather honey derived wholly or mainly from any species of the genus *Calluna* or clover honey derived wholly or mainly from any species of the genus *Trifolium*, has a moisture content of more than 23%;
 - (b) where the honey to which the statement relates, other than any honey referred to in sub-paragraph (a) above, has a moisture content of more than 21%;
 - (c) where the honey to which the statement relates—
 - (i) has any foreign tastes or odours,
 - (ii) has begun to ferment or effervesce, or
 - (iii) has been heated to such an extent that its natural enzymes have been destroyed or made inactive;
 - (d) where the honey to which the statement relates, being citrus honey or any other honey with a naturally low enzyme content, has a diastase activity of less than 3;
 - (e) where the honey to which the statement relates, other than any honey referred to in sub-paragraph (d) above, has a diastase activity of less than 4;
 - (f) where the honey to which the statement relates has an hydroxymethylfurfural content of more than 80 milligrammes per kilogramme.

(4) The said statement shall also specify the name or trade name and the address or registered office of the producer or packer of the honey, or of a seller thereof established within the Community.

(5) Notwithstanding the requirement in paragraph (1) of this regulation that the said statement shall appear on a label marked on, or securely attached to, the container, in the case of a sale otherwise than by retail or a consignment or delivery pursuant to such a sale of any honey in a container of a net weight of not less than ten kilogrammes, the statement may, as an alternative, be contained in a document accompanying the honey.

References to origin.

8. No person shall—

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- (a) give with any honey sold by him any label, whether attached to or borne on the container or not, or display with honey 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 any honey,
- which bears or includes any reference, direct or indirect, whether in words or by means of any pictorial device, to the blossom or plant origin of the honey or to the regional, topographical or territorial origin of the honey, unless—
- (i) in the case of a reference to the blossom or plant origin, the honey is derived wholly or mainly from the blossom or plant indicated, and
- (ii) in the case of a reference to the regional, topographical or territorial origin, the honey originated wholly in the region, place or territory indicated.

Manner of marking or labelling.

9.(1) Any statement required by regulation 7 to appear on a label marked on, or securely attached to, the container of any honey—

- (a) shall be clear, legible and indelible;
- (b) shall be in a conspicuous position on the label marked on, or securely attached to, the container in such a manner that it will be readily discernible and easily read by an intending purchaser or consumer under normal conditions of purchase or use;
- (c) shall not be interrupted by other written or pictorial matter where such interruption might mislead the purchaser or consumer as to the nature of the honey;
- (d) shall not be in any way hidden or obscured or reduced in conspicuousness by any other matter, whether pictorial or not, appearing on a label.

(2) The height of the letters in any statement referred to in paragraph (1) of this regulation shall be such as is not calculated by any undue or insufficient prominence to mislead as to the nature, substance or quality of the honey to which that statement relates.

(3) If any honey is packaged in more than one container, any label which by virtue of any of these regulations is required to be marked on, or securely attached to, the container shall either be marked on, or securely attached to, the outermost container or shall be readily discernible and easily read through, or notwithstanding, the outermost container.

Penalties.

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10. If any person contravenes or fails to comply with any of the foregoing provisions of these regulations he shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding £1,000.

Defences.

11.(1) In any proceedings for an offence against these regulations in relation to the publication of an advertisement, it shall be a defence for the defendant to prove that, being a person whose business it is to publish or arrange for the publication of advertisements, he received the advertisement for publication in the ordinary course of business.

(2) In any proceedings against any person for an offence against these regulations in relation to the publication of an advertisement, it shall rest on the defendant to prove that he did not publish, and was not party to the publication of, the advertisement.

Application of various sections of the Act.

12. 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 the said Section 49 to subsection (3) of Section 46 included a reference to that subsection as applied by these regulations.

SCHEDULE 1.**METHOD OF DETERMINING DIASTASE ACTIVITY.**

I. Principle. The diastase activity is expressed in terms of the number of ml. of a 1% starch solution hydrolysed by the enzyme in 1.0g. of honey in one hour at 40°C as determined by the method shown below.

2. Reagents. The following reagents shall be used (the reagents shall be of analytical reagent quality and any water shall be distilled water, or water of equivalent purity.

- (a) iodine stock solution: dissolve 8.88g iodine in 30-40ml water containing 22g potassium iodide and dilute to 1 litre with water;
- (b) iodine solution A (approx 0.0007N): dissolve 20g potassium iodide in 30-40 ml water, add 5.0 ml. iodine stock solution and dilute to 500ml. with water: prepare the solution on the day of use;
- (c) iodine solution B (approx 0.02N): dissolve 2.54g iodine in 30-40ml. water containing 22g potassium iodide and dilute to 1 litre with water;
- (d) acetate buffer-pH 5.3 (1.59M): dissolve 87g hydrated sodium acetate (CNaO₂.3H₂O) in 400ml water, add about 10.5 ml glacial acetic acid in a little water and make up to 500ml:

adjust the pH to 5.3 with sodium acetate or acetic acid as necessary, using a pH meter;

- (e) sodium chloride solution 0.5 M: dissolve 14.5g sodium chloride in, and dilute to 500ml with, water which has been previously boiled and cooled: prepare a fresh solution whenever mould growth becomes apparent:
- (f) starch solution: use a starch with a blue value of between 0.5-0.55, as determined by the method described below (g):
weigh out that amount of starch which is equivalent to 2.0g anhydrous starch. Mix with 90ml of water in a 250ml conical flask and, while swirling the solution continuously, bring rapidly to the boil by heating over a flame covered with an asbestos-centred gauze. Boil gently for 3 minutes, cover and allow to cool. Transfer to a 100ml volumetric flask and place in the water bath (3(a)) until the solution attains a temperature of 40°C, dilute to volume with water and maintain the solution at 40°C.

- (g) method for determining blue value of starch; dissolve an amount of starch equivalent to 1.0g anhydrous starch in 90ml water by the method described above (2(f)). Cool the solution, add 2.5ml buffer solution (2(d)) and dilute to 100ml with water. To a 100ml volumetric flask add 75ml water, 1 ml N hydrochloric acid and 1.5ml of iodine solution B. Then add 0.5ml of the starch solution and make up to volume with water. Allow to stand for one hour in the dark and read in 1cm cell using a spectrophotometer at 660nm against a blank containing all solutions except the starch solution. Reading on the absorbance scale=Blue value.

3.Apparatus. The following apparatus shall be used—

- (a) a water-bath at $40 \pm 0.2^{\circ}\text{C}$;
- (b) a spectrophotometer suitable for reading at 660nm;
- (c) graduated cylinders, 50ml, fitted with ground glass stoppers;
- (d) a stop-watch.

4.Method of determination. The determination shall be carried out as follow—

- (a) preparation of sample solution: weigh 10g honey into a 50ml beaker and add 5ml buffer solution (2(d)) together with 20ml water; stir until the sample is completely dissolved. Transfer the sample solution to a 5ml volumetric flask; add 3ml sodium chloride solution (2(e)) and dilute to 5ml with water. It is essential that the honey should be buffered before coming into contact with sodium chloride.
- (b) standardisation of the starch solution: pipette 5ml starch solution (2(f)) into 10ml water at 40°C and mix well. Pipette 1 ml of this solution into 10ml of iodine solution A, add 35ml water and mix well. Read the absorbance at 660nm against water using a 1cm cell. The absorbance should be 0.760 ± 0.020 . If necessary the volume of added water is adjusted to obtain the correct absorbance.
- (c) absorbance determination: pipette 10.0ml honey solution into a 50ml graduated cylinder (3(c)) and place in the water bath with the flask containing starch solution. After 15 minutes pipette 5.0ml starch solution into the honey solution, mix, and start stop-watch. At 5 minute intervals remove 1 ml aliquots and add to 10.0ml iodine solution A. Mix and dilute to 50ml with water. Immediately determine absorbance at 660nm in the spectrophotometer using a 1cm cell. Continue taking 1 ml aliquots at intervals until an absorbance of less than 0.235 is reached.

5.Calculation and expression of results. Plot absorbance against time in minutes on rectilinear paper and draw a straight line through at least the last three points on the graph to determine

the time when the reaction mixture reached an absorbance of 0.235. Divide 300 by the time in minutes to obtain the diastase number (DN). This number expresses the diastase activity as ml 1% starch solution hydrolysed by the enzyme in 1g of honey in 1h at 40°C. Diastase activity= $\text{DN} = \text{ml starch solution (1\%)/g honey/h at } 40^{\circ}\text{C}$.

SCHEDULE 2.**COMPOSITIONAL REQUIREMENTS FOR HONEY.****1. Apparent reducing sugar content.**

- (a) Any honeydew honey and any blend of honeydew honey and blossom honey shall have an apparent reducing sugar content, calculated as invert sugar, of not less than 60%.
- (b) Any honey other than any honey mentioned in subparagraph (a) of this paragraph shall have an apparent reducing sugar content, calculated as invert sugar, of not less than 65%.

2. Moisture content.

- (a) Any heather honey which is derived wholly or mainly from any species of the genus *Calluna* and any clover honey which is derived wholly or mainly from any species of the genus *Trifolium* shall have a moisture content of not more than 23%, so however that, subject to the provisions of regulation 7, such honey may have a moisture content of more than 23% but not more than 35% if such moisture content is the result of natural conditions of production.
- (b) Any honey other than any honey mentioned in subparagraph (a) of this paragraph shall have a moisture content of not more than 21%, so however that, subject to the provisions of regulation 7, such honey may have a moisture content of more than 21% but not more than 25% if such moisture content is the result of natural conditions of production.

3. Apparent sucrose content.

- (a) Any honeydew honey, any blend of honeydew honey and blossom honey, any acacia honey, any lavender honey and any banksia menziesji honey shall have an apparent sucrose content of not more than 10%.
- (b) Any honey other than any honey mentioned in subparagraph (a) of this paragraph shall have an apparent sucrose content of not more than 5%.

4. Water-insoluble solids content.

- (a) any pressed honey shall have a water-insoluble solids content of not more than 0.5%.

- (b) Any honey other than any honey mentioned in subparagraph (a) of this paragraph shall have a water-insoluble solids content of not more than 0.1%.

5. Ash content.

- (a) Any honeydew honey and any blend of honeydew honey and blossom honey shall have an ash content of not more than 1%.
- (b) Any honey other than any honey mentioned in sub-paragraph (a) of this paragraph shall have an ash content of not more than 0.6%.

6. Acidity. Any honey shall have an acidity of not more than 40 milli-equivalents acid per kilogramme.

7. Application of requirements as to composition.

The requirements as to composition set out in paragraphs 1 to 6 of this Schedule shall not apply to that part of any comb honey, or to that part of any chunk honey, which consists of any comb or any constituent part thereof.