

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

**Specified Sugar Products Regulations, 1987****LN.1987/050**

	<i>Commencement</i>	<b>1.8.1987</b>
Amending enactments	Relevant current provisions	Commencement date
LN. 1990/061 r. 2		1.7.1990

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Regulation

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**SCHEDULE 1.**

**SCHEDULE 2.**

**SCHEDULE 3.**

**Title and commencement.**

- 1.(1) These regulations may be cited as the Specified Sugar Products 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-

“anti-foaming agent” has the meaning assigned to it by the Miscellaneous Additives in Food Regulations 1987;

“appropriate designation”-

- (a) as respects any colouring matter, has the meaning assigned to it by the Colouring Matter in Food Regulations 1980.
- (b) as respects any permitted emulsifier, has the meaning assigned to it by the Emulsifiers and Stabilisers in Food Regulations 1990 and
- (c) as respects any permitted anti-caking agent or permitted anti-foaming agent, has the meaning assigned to it by the Miscellaneous Additives in Food Regulations 1987;

“candy sugar” means crystalline sugar with crystals having any dimension greater than one centimetre;

“carbohydrate” means any neutral polyhydroxyl alcohol containing carbon, hydrogen and oxygen in which the hydrogen and oxygen occur in the same proportion as in water, but does not include any polysaccharide which is not metabolised by man;

“the Community” means the European Economic Community;

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

“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 product, but does not include-

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- (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;

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

“loaf sugar” means a piece of agglomerated crystalline sugar, usually conically shaped, weighing not less than 250 grammes;

“the Act” means the Food and Drugs Act;

“permitted anti-caking agent” means any anti-caking agent in so far as its use is permitted by the Miscellaneous Additives in Food Regulations 1987;

“permitted anti-foaming agent” means any anti-foaming agent in so far as its use is permitted by the Miscellaneous Additives in Food Regulations 1987;

“permitted emulsifier” means any emulsifier in so far as its use is permitted by the Emulsifiers and Stabilisers in Food Regulations 1990;

“permitted preservative” means any preservative in so far as its use is permitted by the Preservatives in Food Regulations 1987;

“reserved description”. as respects any specified sugar product, means a description specified in relation to that product in column 1 of Schedule 1, and the use of any such description in these regulations shall be construed as meaning any specified sugar product specified in relation to that description in column 2 of that Schedule;

“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 to 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;

“specified sugar product” means any food specified in column 2 of Schedule I of which the characteristics are, where so required by that Schedule, determined according to the methods of analysis referred to in Schedule 2, but does not include any product which contains such a food as an ingredient and which is sold, consigned or delivered as a compound product:

“sugar confectionery” has the meaning assigned to it by the Food Labelling Regulations 1987;

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 1987 in relation to the permitted preservative sulphur dioxide E220 if calculated as, may be used in place of, that permitted preservative, and any reference in these regulations to the permitted preservative sulphur dioxide shall be construed accordingly.

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

(4) All proportions mentioned in these regulations are proportions calculated by weight, and unless the context otherwise requires, are calculated on the total weight of the product.

(5) 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.

(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 a 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 specified sugar product sold, consigned or delivered for exportation to any place outside Gibraltar.

#### **General restrictions on the use of reserved descriptions.**

4. (a) 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 any reserved description or any derivative thereof or any word or description substantially similar thereto unless-
  - (i) such food is a specified sugar product to which the reserved description relates, 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 a specified sugar product:

Provided that the reserved description 'sugar' or 'white sugar may be used to designate extra white sugar.

**Labelling and description of specified sugar products.**

5.(1) Subject to paragraph (5) of this regulation, no person shall sell or consign or deliver pursuant to a sale any specified sugar product 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-
  - (a) in the case of extra white sugar, the reserved description or the description 'sugar' or 'white sugar';
  - (b) in the case of dextrose monohydrate or dextrose anhydrous when sold by retail or consigned or delivered pursuant to sale by retail, the reserved description or the description 'dextrose';
  - (c) in any case not specified in sub-paragraph (a) or (b) above, a reserved description.
- (3) The said statement shall, in relation to any specified sugar product referred to in any of the following sub-paragraphs, also include any declaration specified in that sub-paragraph for that product:
  - (a) for sugar solution, invert sugar solution or invert sugar syrup, a declaration of the content of dry matter and of invert sugar;

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- (b) for invert sugar syrup containing a significant proportion of crystals in solution, the word 'crystallised' qualifying the reserved description or a declaration substantially similar thereto indicating that the syrup contains crystals;
- (c) for glucose syrup or dried glucose syrup of which the sulphur dioxide content in accordance with paragraph (a) of the proviso to regulation 9 exceeds 20 milligrammes per kilogramme, a declaration that the product is not for sale by retail;
- (d) for any specified sugar product containing any added colouring matter in accordance with paragraph (b) of the proviso to regulation 9, the declaration 'contains permitted colour', so however that in the said declaration-
- (i) the word 'permitted' may be omitted;
  - (ii) an appropriate designation of the colouring matter may be substituted for the words 'permitted colour';
- (e) for icing sugar or icing dextrose containing any starch or any permitted anti-caking agent in accordance with paragraph (c) of the proviso to regulation 9, the declaration 'contains starch' or 'contains X' respectively the declaration in the latter case being completed by inserting at X an appropriate designation or the common or usual name of each permitted anti-caking agent present;
- (f) for glucose syrup or dried glucose syrup containing any anti-foam mg agent in accordance with paragraph (d) of the proviso to regulation 9, the declaration 'contains X', the declaration being completed by inserting at X an appropriate designation or the common or usual name of each anti-foaming agent present;
- (4) The said statement shall also specify the name or trade name and the address or registered office of the manufacturer or packer of the specified sugar product, 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 specified sugar product in a container of net weight of not less than ten kilogrammes, any of those parts of the statement which are specified in paragraph (3)(a), (b) and (c) of this regulation may, as an alternative, be contained in a document accompanying the product.

**Use of the word 'white' in relation to sugar solution, invert sugar solution and invert sugar syrup.**

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6. No person shall—

- (a) give with any sugar solution, invert sugar solution or invert sugar syrup sold by him, any label, whether attached to or borne on the container or not, or display with any sugar solution, invert sugar solution or invert sugar syrup offered or exposed by him for sale a ticket or notice, or
- (b) publish or be a party to the publication of, any advertisement for any sugar solution, invert sugar solution or invert sugar syrup.

which bears or includes the word ‘white’ qualifying the reserved description unless—

- (i) in the case of sugar solution, the colour does not exceed 25 units, determined according to the method of analysis referred to in item (3) of Schedule 2; or
- (ii) in the case of invert sugar solution or invert sugar syrup, the conductivity ash content does not exceed 0.1 % and the colour in solution does not exceed 25 units determined according to the methods of analysis referred to in items (2) and (3) respectively of Schedule 2.

**Manner of marking or labelling.**

7.(1) Any statement required by regulation 5 to appear on a label marked on, or securely attached to, the container of any specified sugar product—

- (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 any other written or pictorial matter where such interruption might mislead the purchaser or consumer as to the nature of the specified sugar product;
- (d) shall not be in any way hidden or obscured or reduced in conspicuousness by any other matter, whether pictorial or not, appearing on the 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 specified sugar product to which that statement relates,



(3) If any specified sugar product 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 outermost container or shall be readily discernible and easily read through, or notwithstanding, the outermost container.

**Declaration of sulphur dioxide in glucose syrup and dried glucose syrup.**

8. No person shall sell otherwise than by retail or consign or deliver pursuant to a sale otherwise than by retail any glucose syrup or dried glucose syrup of which the sulphur dioxide content in accordance with paragraph (a) of the proviso to regulation 9 exceeds 20 milligrammes per kilogramme, unless a document accompanying the product contains a declaration of the proportion of sulphur dioxide present in the product.

**Permitted additional ingredients in specified sugar products.**

9. No person shall sell, consign or deliver any specified sugar product which contains any added ingredient:

Provided that—

- (a) any specified sugar product described in column 1 of Schedule 3 may contain the permitted preservative sulphur dioxide in the proportion specified in relation thereto in column 2 of that Schedule;
- (b) any specified sugar product intended for use as an ingredient in any other food, whether or not that food is intended for sale, may contain any colouring matter in so far as the use of that colouring matter in such food is not prohibited by any regulations, other than these regulations or any amendment to these regulations, made under the Act;
- (c) any icing sugar or icing dextrose may contain-
  - (i) not more than 5% of starch other than modified starch; or
  - (ii) not more than 1.5% of any permitted anticaking agent or any combination of two or more such agents;
- (d) any glucose syrup or dried glucose syrup may contain not more than 15 milligrammes per kilogramme of any permitted antifoaming agent, any permitted emulsifier which is also an antifoaming agent or any combination of two or more such substances.

**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 the manufacturer or importer of any specified sugar product or other food 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 a party to the publication of the advertisement.

**Application of various sections of the Act.**

12. Section 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

## Specified Sugar Products and their Reserved Descriptions

<i>Column 1</i>	<i>Column 2</i>
Reserved descriptions	Specified Sugar Products
Dextrose anhydrous	Purified and crystallised D-glucose, other than in the form of icing dextrose, containing no water of crystallisation and having the following characteristics: (a) a dry matter content of not less than 98%, determined according to the method of analysis referred to in item (6) of Schedule 2; (b) a D-glucose content of not less than 99.5% of the dry matter, determined according to the method of analysis referred to in item (11) of Schedule 2; (c) a sulphated ash content of not more than 0.25% of the dry matter, determined according to the method of analysis referred to in item (12) of Schedule 2.
Dextrose monohydrate	Purified and crystallised D-glucose, other than in the form of icing dextrose, containing one molecule of water of crystallisation and having the following characteristics: (a) a dry matter content of not less than 90%, determined according to the method of analysis referred to in item (6) of Schedule 2; (b) a D-glucose content of not less than 99.5% of the dry matter, determined according to the method of analysis referred to in item (II) of Schedule 2; (c) a sulphated ash content of not more than 0.25% of the dry matter, determined according to the method of analysis referred to in item (12) of Schedule 2.
Dried glucose syrup	Glucose syrup which has been partially dried having the following characteristics: (a) a dry matter content of not less than 93%, determined according to the method of analysis referred to in item (6) of Schedule 2; (b) a dextrose equivalent, expressed as D-glucose, of not less than 20% of the dry matter, determined according to the method of analysis referred to in item (11) of Schedule 2;
Extra white sugar	(c) a sulphated ash content of not more than 1.0% of the dry matter, determined according to the method of analysis referred to in item (12) of Schedule 2.  Purified and crystallised sucrose, other than in the form of icing sugar, candy sugar or loaf sugar, having the following characteristics:

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Extra white sugar (cont)	(a) a polarisation of not less than 99.7%, determined according to the method of analysis referred to in item (13) of Schedule 2; (b) an invert sugar content of not more than 0.04%, determined according to the method of analysis referred to in item (9) of Schedule 2; (c) a loss on drying of not more than 0.1%, determined according to the method of analysis referred to in item (5) of Schedule 2; (d) a number of points not exceeding 4 for colour, 6 for conductivity ash content and 3 for colour in solution, determined according to the methods of analysis referred to in items (1), (2) and (3) respectively of Schedule 2 and a total number of points, so determined, not exceeding 8.
Glucose syrup	A purified and concentrated aqueous solution of nutritive saccharides obtained from starch having the following characteristics: (a) a dry matter content of not less than 70% determined according to the method of analysis referred to in item (6) of Schedule 2 (b) a dextrose equivalent, expressed as D-glucose, of not less than 20% of the dry matter, determined according to the method of analysis referred to in item (11) of Schedule 2; (c) a sulphated ash content of not more than 1.0% of the dry matter, determined according to the method of analysis referred to in item (12) of Schedule 2.
Icing dextrose Powdered dextrose	Fine particles of dextrose monohydrate or dextrose anhydrous or mixtures thereof.
Icing sugar Powdered sugar	Fine particles of white sugar or extra white sugar or mixtures thereof.
Invert sugar solution	An aqueous solution of sucrose which has been partially inverted by hydrolysis having the following characteristics: (a) a dry matter content of not less than 62%, determined according to the method of analysis referred to in item (7) of Schedule 2; (b) an invert sugar content of more than 3% but not more than 50% of the dry matter, determined according to the method of analysis referred to in item (10) of Schedule 2 in conjunction with the method referred to in item (7) thereof, and a ratio of fructose to dextrose in the invert sugar of $1.0 \pm 0.1$ . (c) a conductivity ash content of not more than 0.4% of the dry matter, determined according to the method of analysis referred to in item (2) of Schedule 2.

Invert sugar syrup	An aqueous solution, whether or not crystallised, of sucrose which has been partially inverted by hydrolysis having the following characteristics: (a) a dry matter content of not less than 62%, determined according to the method of analysis referred to in item (7) of Schedule 2; (b) an invert sugar content of more than 50% of the dry matter, determined according to the method of analysis referred to in item (10) of Schedule 2 in conjunction with the method referred to in item (7) thereof, and a ratio of fructose to dextrose in the invert sugar of $1.0 \pm 0.1$ .
Invert sugar syrup (cont)	(c) a conductivity ash content of not more than 0.4% of the dry matter, determined according to the method of analysis referred to in item (2) of Schedule 2.
Lactose	The carbohydrate normally obtained from whey. Lactose may be anhydrous or contain one molecule of water of crystallisation or be a mixture of both forms and shall have the following characteristics: (a) an anhydrous lactose content of not less than 97% of the dry matter; (b) a sulphated ash content of not more than 0.8% of the dry matter; (c) a loss on drying of not more than 6%; (d) a pH (10% aqueous solution m/m) of 4.5-7.0 at 20°C.
Semi-white sugar	Purified and crystallised sucrose, other than in the form of candy sugar or loaf sugar, having the following characteristics: (a) a polarisation of not less than 99.5% determined according to the method of analysis referred to in item (13) of Schedule 2. (b) an invert sugar content of not more than 0.1%, determined according to the method of analysis referred to in item (8) of Schedule 2; (c) a loss on drying of not more than 0.1%, determined according to the method of analysis referred to in item (5) of Schedule 2.
Soft sugar	Fine-grain purified moist sucrose having the following characteristics: (a) a sucrose plus invert sugar content, expressed as sucrose, of not less than 88%; (b) an invert sugar content of not less than 0.3% but not more than 12%; (c) a sulphated ash content of not more than 3.5%; (d) a loss on drying of not more than 4.5%.
Sugar solution	An aqueous solution of sucrose having the following characteristics: (a) a dry matter content of not less than 62%, determined according to the method of analysis referred to in item (7) of Schedule 2;

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	<p>(b) an invert sugar content of not more than 3% of the dry matter, determined according to the method of analysis referred to in item (1) of Schedule 2 in conjunction with the method referred to in item (7) thereof, and a ratio of fructose to dextrose in the invert sugar of <math>1.0 \pm 0.2</math>;</p> <p>(c) a conductivity ash content of not more than 0.1% of the dry matter, determined according to the method of analysis referred to in item (2) of Schedule 2;</p> <p>(d) a colour in solution of not more than 45 units determined according to the method of analysis referred to in item (3) of Schedule 2;</p>
White soft sugar	<p>Fine-grain purified moist sucrose having the following characteristics:</p> <p>(a) a sucrose plus invert sugar content, expressed as sucrose, of not less than 97%;</p> <p>(b) an invert sugar content of not less than 0.3% but not more than 12%;</p> <p>(c) a conductivity ash content of not more than 0.2% determined according to the method of analysis referred to in item (2) of Schedule 2;</p> <p>(d) a loss on drying of not more than 3%;</p> <p>(e) a colour of not more than 60 units determined according to the method of analysis referred to in item (4) of Schedule 2.</p>
White sugar	<p>Purified and crystallised sucrose, other than in the form of icing sugar, candy sugar or loaf sugar, having the following characteristics:</p> <p>(a) a polarisation of not less than 99.7%, determined according to the method of analysis referred to in item (13) of Schedule 2;</p> <p>(b) an invert sugar content of not more than 0.04%, determined according to the method of analysis referred to item (9) of Schedule 2;</p> <p>(c) a loss on drying of not more than 0.1% determined according to the method of analysis referred to in item (5) of Schedule 2;</p> <p>(d) a number of points for colour not exceeding 12, determined according to the method of analysis referred to in item (1) of Schedule 2.</p>

**SCHEDULE 2**  
Methods of Analysis

PART I

(1) *The method for determining the colour of extra white sugar and white sugar*

The method of the Brunswick Institute for Agricultural and Sugar Industry Technology set out in section A paragraph 2 of the Annex to Commission Regulation (EEC) No. 1265/69. For the purpose of determining the number of points for the colour of white sugar or extra white sugar, one point corresponds to 0.5 units.

(2) *The method for determining the conductivity ash content of extra white sugar, invert sugar solution, invert sugar syrup, sugar solution and white soft sugar.*

The method of the International Commission for Uniform Methods of Sugar Analysis set out in section A paragraph I of the Annex to Commission Regulation (EEC) No. 1265/69. For the purpose of determining the number of points for the conductivity ash content of extra white sugar, one point corresponds to 0.0018% of ash.

(3) *The method for determining the colour in solution of extra white sugar and sugar solution*

The method of the International Commission for Uniform Methods of Sugar Analysis set out in section A paragraph 3 of the Annex to Commission Regulation (EEC) No. 1265/69. For the purpose of determining the number of points for the colour in solution of extra white sugar, one point corresponds to 7.5 units.

(4) *The method for determining the colour in solution of white soft sugar*

The method No. CAC/RM6-1969 for the determination of colour contained in FAO/WHO Codex Alimentarius publication "Methods of Analysis for Sugars", No. CAC/RM 1/8-1969 at page 19.

PART II

*The methods specified by number in this Part of this Schedule are those specified under the same numbers in Annex II to the Commission Directive No. 79/786/EEC laying down Community methods of analysis for testing certain sugars intended for human consumption, as read with the Introduction to that Annex.*

(5) The method for determining the loss on drying of semi-white sugar, white sugar and extra white sugar      Method 1

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(6) The method for determining the dry matter content of glucose syrup, dried glucose syrup, dextrose monohydrate and dextrose anhydrous

Method 2

(7) The method for determining the dry matter content of sugar solution, invert sugar solution and invert sugar syrup Method 3

(8) The method for determining the invert sugar content of semi-white sugar

Method 4

(9) The method for determining the invert sugar content of white sugar and extra white sugar

Method 5

(10) The method for determining the invert sugar content of sugar solution, invert sugar solution and invert sugar syrup Method 7

(11) The method for determining the invert sugar content of glucose syrup, dried glucose syrup, dextrose monohydrate and dextrose anhydrous Method 8

(12) The method for determining the sulphated ash content of glucose syrup, dried glucose syrup, dextrose monohydrate and dextrose anhydrous Method 9

(13) The method for determining the polarisation of semi-white sugar, white sugar and extra white sugar Method 10



## SCHEDULE 3

## Permitted Sulphur Dioxide Content of Specified Sugar Products.

<i>Column 1</i>	<i>Column 2</i>
Specified sugar products	Milligrams of the permitted preservative sulphur dioxide per kilogramme not exceeding-
1. Dextrose anhydrous, dextrose monohydrate, extra white sugar, semi-white, white sugar,	15
2. Invert sugar solution, invert sugar syrup, sugar solution	15 (calculated on the dry matter)
3. Icing dextrose, icing sugar	20
4. Soft sugar, white soft sugar	40
5. Glucose syrup sold otherwise than by retail for use in the manufacture of sugar confectionery and other foods	400
6. Glucose syrup not specified in item 5	20
7. Dried glucose syrup sold otherwise than by retail for use in the manufacture of sugar confectionery and other foods	150
8. Dried glucose syrup not specified in item 7	20