

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

Fruit Juices and Fruit Nectars Regulations, 1987

LN.1987/052

Commencement

1.8.1987

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Title and commencement.

- 1.(1) These regulations may be cited as the Fruit Juices and Fruit Nectars Regulations, 1987.
- (2) These regulations shall come into operation on the 1st day of August, 1987.

Interpretations.

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

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

“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 puree” means fruit puree 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;

“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 feedingstuffs 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 puree, concentrated fruit puree 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 puree or of fruit juice and fruit puree 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% by weight of the finished product;
- (b) the product obtained exclusively from fruit puree or concentrated fruit puree or an admixture thereof may contain, instead of added sugar, honey in a proportion not exceeding 20% by weight of the finished product;
- (c) the product obtained exclusively from fruit puree or concentrated fruit puree or an admixture thereof obtained from peaches or pears may contain added sugar and honey together in a proportion not exceeding 20% by weight of the finished product, the added sugar content being calculated as dry matter;
- (d) the percentages specified in column 2 of Schedule 1 in relation to apricots, cherries (other than sour cherries), strawberries, apples, peaches and pears shall not apply to the product obtained exclusively from fruit puree or concentrated fruit puree or an admixture thereof;

“fruit puree” 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 1985;

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

“the Act” means the Food and Drugs Act;

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

“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 1987, 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 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.

(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.

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

(6) 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.(1) The following provisions of these regulations shall not apply to any fruit juice, concentrated fruit juice, dried fruit juice or fruit nectar sold, consigned or delivered for exportation to any place outside Gibraltar.

(2) The following provisions of these regulations, other than the provisions of regulations 4, 10, 13, 14 and 15, 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.

Name of the food.

4.(1) Subject to the following paragraphs of this regulation, for the purposes of the Food Labelling Regulations 1987 the name used as the name of the food in the labelling of any fruit juice, concentrated fruit juice, dried fruit juice or fruit nectar shall be 'juice', 'concentrated juice', 'dried juice' or 'nectar', as is appropriate, accompanied in each case by an indication of the type of fruit from which the food is prepared.

(2) Where any such food is prepared from two or more types of fruit, the name used as the name of the food in the labelling of the food may, instead of being the name for which provision is made in paragraph (1) of this regulation be 'fruit juice' 'concentrated fruit juice', 'dried fruit juice', or 'fruit nectar', as is appropriate, accompanied in each case by an indication of the types of fruit from which the food is prepared.

(3) In the case of concentrated fruit juice and dried fruit juice the indication of the type of fruit from which the food is prepared may appear between the prescribed words of the name of the food.

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(4) Where, pursuant to paragraph (1) or (2) of this regulation, it is necessary for an indication of two or more types of fruit to appear in the name of the food, that indication shall refer to those types of fruit in descending order of weight.

(5) The weight referred to in paragraph (4) of this regulation is the weight of fruit juice, concentrated fruit juice, fruit puree or concentrated fruit puree used, except that, where concentrated fruit juice or concentrated fruit puree is reconstituted during the preparation of the food, the weight referred to is the weight after reconstitution.

(6) Nothing in this regulation shall be taken to require or permit the name 'lemon' to be included in the name of any fruit nectar solely on account of the presence in the fruit nectar of lemon juice in accordance with paragraph (f) of the proviso to regulation 12(1).

(7) In the case of dried fruit juice-

(a) the word 'dried' may be replaced by the word 'powdered', and

(b) the word 'dried' (or 'powdered') may be accompanied or replaced by the word 'freeze-dried' or some other word descriptive of the specific process used.

Restrictions on the use of certain names.

5.(1) A name that is prescribed for a food by regulation 4 shall not be used in the labelling or advertising of any food as the name of the food, 'whether or not qualified by other words, unless the food is the food for which the name is so prescribed.

(2) A name that is prescribed for a food by regulation 4 shall not be used in the labelling or advertising of any food, whether or not qualified by other words, in such a way as to suggest, either expressly or by implication, that the food designated by that name is an ingredient of the food in whose labelling or advertising the name is used unless the food in whose labelling or advertising the name is used has as an ingredient the food for which the name is so prescribed.

(3) No person shall sell any food in the labelling of which a name is used in contravention of the foregoing paragraphs of this regulation.

(4) No person shall use a name in contravention of the foregoing paragraphs of this regulation in advertising for sale any food.

List of ingredients.

6. Notwithstanding regulation 5(b) of the Food Labelling Regulations 1987 (which requires food to be marked or labelled with a list of ingredients) and without prejudice to regulation 17

of those regulations (which specifies ingredients which need not be named in a list of ingredients),

- (a) it shall not be necessary to name in the list of ingredients of fruit juice or concentrated fruit juice the permitted preservative sulphur dioxide if it is present in the food in accordance with paragraph (e) of the proviso to regulation 12(1) in a proportion not exceeding 10 milligrams per litre, and
- (b) it shall not be necessary to name in the list of ingredients of fruit juice, concentrated fruit juice or dried fruit juice added natural volatile components if such components are present in the food in accordance with paragraph (h) of the proviso to regulation 12(1).

Miscellaneous labelling.

7.(1) No person shall sell any fruit juice, concentrated fruit juice or dried fruit juice which, in accordance with paragraph (b) (c) or (d) of the proviso to regulation 12(1) contains any added sugar in excess of 15 grams per litre, unless the food is marked or labelled with the word 'sweetened' followed by a declaration of the maximum added sugar content of the food in grams per litre, so however that the content declared shall not exceed the actual content by more than 15% of the actual content.

(2) No person shall sell any fruit nectar obtained exclusively from fruit puree or concentrated fruit puree or a mixture thereof, unless it is marked or labelled with the declaration 'contains fruit pulp' or a substantially similar declaration.

(3) No person shall sell any fruit juice or fruit nectar obtained wholly or partly from concentrated fruit juice or concentrated fruit puree, unless the fruit juice or fruit nectar is prominently marked or labelled in bold letters with the declaration 'made with concentrated X juice' or 'made with concentrated X puree', as is appropriate, there being inserted in place of 'X' the name of the fruit from which the concentrated fruit juice or concentrated fruit puree was obtained.

(4) No person shall sell any fruit juice, concentrated fruit juice or fruit nectar which has a carbon dioxide content greater than 2 grams per litre, unless it is marked or labelled with the word 'carbonated'.

(5) No person shall sell any fruit nectar, unless it is marked or labelled with the declaration 'fruit content x% minimum', there being inserted in place of 'x' the minimum percentage of the fruit nectar that consists of fruit juice or fruit puree or a mixture thereof.

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(6) No person shall sell any concentrated fruit juice or dried fruit juice, unless it is marked or labelled with a declaration of the quantity of water to be added to reconstitute the food to fruit juice.

(7) No person shall sell a food which is required to be marked or labelled in accordance with one or more of the foregoing paragraphs of this regulation, unless

- (a) the particulars with which it is required to be marked or labelled by paragraphs (1) to (3) of this regulation appear in immediate proximity to the name of the food.’ and
- (b) the particulars with which it is required to be marked or labelled by paragraphs (3) to (5) of this regulation appear in the same field of vision as-
 - (i) the name of the food,
 - (ii) the indication of net quantity if the food is required to be marked or labelled with such an indication, and
 - (iii) the indication of minimum durability if the food is required by the Food Labelling Regulations 1987 to be marked or labelled with such an indication.

(8) This regulation does not apply to-

- (a) food which is not ready for delivery to the ultimate consumer or to a catering establishment;
- (b) food prepared otherwise than in the course of a trade carried on by the person preparing it;
- (c) food to which regulation 28 or 29 of the Food Label Regulations 1987 (which relate to food for immediate consumption) applies.

(9) In this regulation ‘catering establishment’ and ‘ultimate consumer’ have the meanings assigned to them by the Food Labelling Regulations 1987.

Manner of labelling or marking.

8. Regulations 32 to 35 of the Food Labelling Regulations 1987 (which relate to the manner of marking or labelling of food) shall apply to the particulars with which a food is required to be marked or labelled by regulation 7 as if those particulars were particulars with which a food is required to be marked or labelled by the Food Labelling Regulations 1987.

Degree of concentration of concentrated fruit juice.

9.(1) No person shall sell to the ultimate consumer any concentrated fruit juice unless it has been reduced in volume by at least 50% in the course of being concentrated.

(2) In this regulation ultimate consumer' has the meaning assigned to it by the Food Labelling Regulations 1987.

Restriction on the use of citrus fruit in the preparation of fruit juice.

10. No person shall use as an ingredient in the preparation of any fruit juice any juice derived from citrus fruit other than juice derived from the endocarp thereof;

Provided that, in the preparation of lime juice, juice derived from the whole fruit maybe used if the method of obtaining it reduces the proportion of constituents of the outer part of the fruit present in the juice to a minimum.

Prohibition of use of direct heat.

11. No person shall use in the preparation of any concentrated fruit juice or dried fruit juice mentioned in regulation 12(2) any process or treatment which involves the application of direct heat.

Permitted additional ingredients in fruit juice, concentrated fruit juice, dried fruit juice and fruit nectars.

12.(1) No person shall sell, consign or deliver any food mentioned in paragraph (2) of this regulation which contains any added ingredient:

Provided that

- (a) fruit juice, concentrated fruit juice, dried fruit juice and fruit nectar may contain L-ascorbic acid in so far as its use is permitted by the Antioxidant in Food Regulations 1987;
- (b) fruit juice, concentrated fruit juice and dried fruit juice obtained in each case from apples may contain added sugar in a proportion, after dilution or reconstitution if appropriate, not exceeding 40 grammes per litre calculated as dry matter;
- (c) fruit juice, concentrated fruit juice and dried fruit juice obtained in each case from bergamots, black currants, lemons, limes, redcurrants or whitecurrants may

contain added sugar in a proportion, after dilution or reconstitution if appropriate, not exceeding 200 grammes per litre calculated as dry matter;

- (d) fruit juice, concentrated fruit juice and dried fruit juice other than any such juice which is obtained from grapes or pears or which is mentioned in paragraph (b) or (c) of this proviso may contain added sugar in a proportion, after dilution or reconstitution if appropriate, not exceeding 100 grammes per litre calculated as dry matter;
- (e) any fruit juice or concentrated fruit juice specified in column I of Schedule 3 may contain the permitted preservative sulphur dioxide in the proportion specified in relation thereto in column 2 of that Schedule;
- (f) any fruit juice, concentrated fruit juice or fruit nectar specified in column 1 of Schedule 4 may contain added permitted acid of the description and in the proportion specified in relation thereto in columns 2 and 3 respectively of that Schedule, so however that-
 - (i) the fruit nectars referred to in items 3 and 4 of column I of that Schedule may contain in place of citric acid an equivalent amount of lemon juice, and
 - (ii) no fruit juice or concentrated fruit juice shall contain both added sugar and added permitted acid;
- (g) any fruit juice, concentrated fruit juice or fruit nectar specified in column 1 of Schedule 4 in relation to which two or more added permitted acids are specified in column 2 of that Schedule may contain a mixture of these acids if, when the quantity of each such added acid is expressed as a percentage of the maximum quantity of that acid appropriate to that fruit juice, concentrated fruit juice or fruit nectar in accordance with that Schedule, the sum of those percentages does not exceed 100;
- (h) concentrated fruit juice, fruit juice derived from concentrated fruit juice and dried fruit juice may contain natural volatile components which have been collected from fruit juice obtained from fruit of the same species;
- (j) pineapple juice and concentrated pineapple juice may contain the permitted anti-foaming agent dimethylpolysiloxane in a proportion, after dilution if appropriate, of not more than 10 milligrammes per litre;
- (k) fruit juice and fruit nectar may contain carbon dioxide in so far as its use is permitted by the Miscellaneous Additives in Food Regulations 1987.

- (2) The foods referred to in paragraph (1) of this regulation are:
- (a) fruit juice intended for sale for consumption as fruit juice;
 - (b) concentrated fruit juice intended for sale for consumption after dilution as fruit juice;
 - (c) fruit nectar intended for sale for consumption as fruit nectar;
 - (d) dried fruit juice intended for sale for consumption after reconstitution;
 - (e) concentrated fruit juice intended for use in the preparation of any food mentioned in sub-paragraph (a), (c) or (d) of this paragraph;
 - (f) fruit juice intended for use in the preparation of any food mentioned in sub-paragraph (b), (c) or (d) of this paragraph

Penalties.

13. 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 liable on summary conviction to a fine not exceeding £1,000.

Defences.

14.(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 fruit juice, concentrated fruit juice, dried fruit juice, fruit nectar 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.

15. 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

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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

Minimum quantity of acid and juice or puree or both required in fruit nectar

Column 1	Column 2	Column 3
Fruit from which the product is obtained	Minimum quantity of acid expressed as tartaric acid and in grammes per litre of the finished product	Minimum quantity of juice or puree or of juice and puree expressed as a percentage of the weight of the finished product
1. Apricots	6	40
Azeroles (neapolitan medlars)	8	30
Bilberries Blackberries	7	40
	6	40
Blackcurrants	8	25
Cherries (other than sour cherries)	6	40
Cranberries	9	30
Elderberries	7	50
Goose berries	9	30
Guavas		
Mulberries	6	25
Passion fruit (passiflora edulis) Plums		
Quetsches	6	30
Quinces	7	50
Raspberries	7	40
Redcurrants	8	25
Rose hips (fruit of the species rosa)	8	40
Rowanberries	8	30
Sallowthorn berries	9	25
Sloes	8	30
Sour cherries	8	35
Strawberries	5	40
Whitecurrants	8	25
Any other fruit with highly acid juice inedible in the natural state	—	25
2. Apples	3	50

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Citrus fruits other than any citrus fruit provided for in item I of this column	5	50
Peaches	3	45
Pears	3	50
Any other fruit with juice edible in the natural state	—	50

SCHEDULE 2

Definition of sugar

Part I

For the purposes of the preparation of dried fruit juice or fruit juice other than fruit juice obtained from concentrated fruit juice

Dextrose anhydrous
Dextrose monohydrate
Dried glucose syrup
Extra white sugar
Fructose
Semi-white sugar
White sugar

Part II

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 1 of this Schedule
Glucose syrup
Invert sugar solution
Invert sugar syrup
Sucrose solution
Sugar solution

Part III

Interpretation of Parts I and II of this Schedule

In Parts I and II of this Schedule- “dextrose anhydrous”, ‘dextrose monohydrate’, ‘dried glucose syrup’, ‘extra white sugar’, ‘semi-white sugar’, ‘white sugar’, ‘glucose syrup’, ‘invert sugar solution’, ‘invert sugar syrup’ and sugar solution’ have the respective meanings assigned to them by the Specified Sugar Products Regulations 1987;

“fructose” means purified and crystallized D-fructose;

“sucrose solution” means an aqueous solution of sucrose having the following characteristics:-

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- (a) a dry matter content of not less than 62% by weight;
- (b) an invert sugar content of not more than 3% by weight of the dry matter and a ratio of fructose to dextrose in the invert sugar of 1.0 ± 0.2 ;
- (c) a conductivity ash content of not more than 0.3% by weight of the dry matter determined according to the method of analysis referred to in item (2) of Schedule 2 to the Specified Sugar Products Regulations 1985;
- (d) a colour in solution of not more than 75 units determined according to the method of analysis referred to in item (3) of Schedule 2 to the Specified Sugar Products Regulations 1987;
- (e) a residual sulphur dioxide content of not more than 15 milligrammes per kilogramme of the dry matter.

SCHEDULE 3

Permitted sulphur dioxide content of fruit juice and concentrated fruit juice

Column 1	Column 2
Fruit juice or concentrated fruit juice	Milligrammes of the permitted preservative sulphur dioxide per kilogramme not exceeding
1. Fruit juice and concentrated fruit juice obtained in each case from apples, grapefruit, oranges or pineapples	50
2. Fruit juice and concentrated fruit juice obtained in each case from grapes	10
3. Fruit juice and concentrated fruit juice obtained from lemons or limes	350

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Fruit juices, concentrated fruit juices and fruit nectars which may contain added permitted acid and the nature and proportion of added permitted acid in each case.

Column 1	Column 2	Column 3
Fruit juice, concentrated fruit juice or fruit nectar	Added permitted acid	Grammes per litre, after dilution if appropriate, not exceeding—
1. Apple nectar	Lactic acid	5
2. Grape juice	Citric acid	3
3. Peach nectar obtained exclusively from peach puree or concentrated peach puree or an admixture thereof	Citric acid or DL-Malic acid or L-Malic acid	5 3 3
4. Pear nectar obtained exclusively from pear puree or concentrated pear puree or an admixture thereof	Citric acid or Lactic acid or DL-Malic acid or L-Malic acid	5 5 3 3
5. Pear nectar other than pear nectar obtained exclusively from pear puree or concentrated pear puree or an admixture thereof	Lactic acid	5
6. Pineapple juice and concentrated pineapple juice	Citric acid	3
7. Pineapple juice	DL-Malic acid or L-Malic acid	3 3
8. Apple juice	Citric acid	3