

2011 No. 700 (W. 107)

FOOD, WALES

**The Fruit Juices and Fruit Nectars
(Wales) (Amendment) Regulations
2011**

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations, which apply in relation to Wales, transpose Commission Directive 2009/106/EC amending Council Directive 2001/112/EC relating to fruit juices and certain similar products intended for human consumption (OJ No. L212, 15.8.2009, p.42).

Commission Directive 2009/106/EC makes two amendments to Council Directive 2001/112/EC (OJ No. L10, 12.1.2002, p.58). First, it makes a small linguistic change in relation to mixed juice products containing fruit juice and fruit juices from concentrate and to nectars obtained wholly or partly from one or more concentrated products, in order to alleviate translational difficulties across Member States of the EU. Second, it introduces a table laying down the minimum Brix levels for fruit juices from concentrate.

These Regulations amend the Fruit Juices and Fruit Nectars (Wales) Regulations 2003 (S.I. 2003/3041 (W.286)), so as to—

- (a) provide that a fruit juice from concentrate must contain the minimum Brix levels specified in Schedule 6, read together with the Notes to that Schedule (regulation 2(2) and the Schedule) (Brix levels provide a measure of quality by setting minimum soluble solids (sugar content) for fruit juices);
- (b) make a small linguistic change to the labelling and description of mixed juice products containing fruit juice and fruit juices from concentrate, and of nectars obtained wholly or partly from one or more concentrated products (regulation 2(3));
- (c) amend Schedule 1 (Reserved Descriptions For Designated Products) so that item 3 (Fruit juice from concentrate) of Schedule 1 cross-

refers to Schedule 6 (Minimum Brix Levels For Fruit Juices From Concentrate) (regulation 2(4)(a) and the Schedule);

- (d) amend Schedule 1 so that an incorrect reference within item 5 (Fruit nectar) is corrected (regulation 2(4)(b));
- (e) add as Schedule 6 a new Schedule which provides 'Minimum Brix Levels For Fruit Juices From Concentrate' (regulation 2(5) and the Schedule).

A regulatory impact assessment has been prepared as to the likely costs and benefits of complying with these Regulations. A copy can be obtained from the Food Standards Agency, 11th Floor, Southgate House, Cardiff, CF10 1EW.

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**The Fruit Juices and Fruit Nectars
(Wales) (Amendment) Regulations
2011**

Made 8 March 2011

Laid before the National Assembly for Wales
10 March 2011

Coming into force 31 March 2011

The Welsh Ministers makes these Regulations in exercise of the powers conferred by sections 16(1)(a) and (e), 17(1) and 48(1) of the Food Safety Act 1990(1) which are now vested(2) in them.

In accordance with section 48(4A) of that Act, they have had regard to relevant advice given by the Food Standards Agency.

As required by Article 9 of Regulation (EC) No. 178/2002 of the European Parliament and of the Council laying down the general principles and requirements of food law, establishing the European

(1) 1990 c.16. Section 1(1) and (2) (definition of “food”) was substituted by S.I. 2004/2990. Sections 16, 17 and 48 were amended by section 40(1) of, and paragraphs 7 and 8 of Schedule 5 to, the Food Standards Act 1999 (c.28) (“the 1999 Act”). Section 17 was also amended by section 40(1) of, and paragraph 12 of Schedule 5 to, the 1999 Act. Section 48 was also amended by section 40(1) of, and paragraph 21 of Schedule 5 to, the 1999 Act and S.I. 2004/2990.

(2) Functions formerly exercisable by “the Ministers” (being, in relation to England and Wales and acting jointly, the Minister of Agriculture, Fisheries and Food and the Secretaries of State respectively concerned with health in England and food and health in Wales and, in relation to Scotland, the Secretary of State) so far as exercisable in relation to Wales, were transferred to the National Assembly for Wales by the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672) as read with section 40(3) of the 1999 Act, and subsequently transferred to the Welsh Ministers by virtue of section 162 of, and paragraph 30 of Schedule 11 to the Government of Wales Act 2006 (2006 c.32).

Food Safety Authority and laying down procedures in matters of food safety⁽¹⁾, there has been open and transparent public consultation during the preparation and evaluation of these Regulations.

Title, commencement and application

1.—(1) The title of these Regulations is the Fruit Juices and Fruit Nectars (Wales) (Amendment) Regulations 2011, and they come into force on 31 March 2011.

(2) These Regulations apply in relation to Wales.

Amendment of the Fruit Juices and Fruit Nectars (Wales) Regulations 2003

2.—(1) The Fruit Juices and Fruit Nectars (Wales) Regulations 2003⁽²⁾ are amended as follows.

(2) In paragraph (2) of regulation 2—

- (a) at the end of sub-paragraph (d) omit the word “and”;
- (b) at the end of sub-paragraph (e) substitute “; and” for the full stop; and
- (c) after sub-paragraph (e) insert—

“(f) being a food bearing the reserved description “fruit juice from concentrate”, it complies with the minimum Brix level specified in Schedule 6, read together with the Notes to that Schedule.”.

(3) In regulation 5—

(a) for paragraph (d) substitute—

“(d) in the case of—

- (i) a mixture of fruit juice and fruit juice from concentrate and which is marked or labelled with the single reserved description “fruit juice” (or such other description as, in accordance with the conditions which preface Column 1 (reserved descriptions) of Schedule 1, is required in place of the description “fruit juice”), or
- (ii) a fruit nectar obtained partly from one or more concentrated products,

(1) OJ No. L31, 1.2.2002, p.1. That Regulation was last amended by Regulation (EC) No. 596/2009 (OJ No. L188, 18.7.2009, p.14).

(2) S.I. 2003/3041 (W.286); as amended by S.I. 2005/3254 (W.247), 2009/3377 (W.299) and 2009/3378 (W.300).

its labelling bears the words “partially from concentrate” or, as the case may be, “partially from concentrates”, such words to appear close to the reserved description, in letters that are clearly visible and easily distinguished from the background against which they appear;”; and

(b) for paragraph (e) substitute—

“(e) in the case of a fruit nectar obtained wholly from one or more concentrated products, its labelling bears the words “from concentrate” or, as the case may be, “from concentrates”, such words to appear close to the reserved description, in letters that are clearly visible and easily distinguished from the background against which they appear;”.

(4) In Schedule 1—

(a) in column 2 of item 3 (Fruit juice from concentrate), at the end insert—

“The minimum Brix levels for fruit juices from concentrate are indicated in Schedule 6.”; and

(b) in column 2 of item 5 (Fruit nectar), for “Schedule 4” substitute “Schedule 5” in both places.

(5) After Schedule 5, insert Schedule 6, as set out in the Schedule to these Regulations.

Gwenda Thomas

The Deputy Minister for Social Services, under the authority of the Minister for Health and Social Services, one of the Welsh Ministers

8 March 2011

SCHEDULE

Regulation 2(5)

“SCHEDULE 6

Regulation 2 and Schedule 1

MINIMUM BRIX LEVELS FOR FRUIT JUICES FROM
CONCENTRATE

<i>Column 1</i> <i>Fruit's Common Name</i>	<i>Column 2</i> <i>Botanical Name</i>	<i>Column 3</i> <i>Minimum degree Brix level for fruit juices from concentrate (i.e. for reconstituted fruit juice and reconstituted fruit purée)</i>
Apple (*)	<i>Malus domestica</i> Borkh.	11.2
Apricot (**)	<i>Prunus armeniaca</i> L.	11.2
Banana (**)	<i>Musa sp.</i>	21.0
Blackcurrant (*)	<i>Ribes nigrum</i> L.	11.6
Grape (*)	<i>Vitis vinifera</i> L. or hybrids thereof <i>Vitis labrusca</i> L. or hybrids thereof	15.9
Grapefruit (*)	<i>Citrus x paradise</i> Macfad.	10.0
Guava (**)	<i>Psidium guajava</i> L.	9.5
Lemon (*)	<i>Citrus limon</i> (L.) Burm.f.	8.0
Mandarin (*)	<i>Citrus reticulata</i> Blanco	11.2
Mango (**)	<i>Mangifera indica</i> L.	15.0
Orange (*)	<i>Citrus sinensis</i> (L.) Osbeck	11.2
Passion Fruit (*)	<i>Passiflora edulis</i> Sims	13.5
Peach (**)	<i>Prunus persica</i> (L.) Batsch var. <i>Persica</i>	10.0
Pear (**)	<i>Pyrus communis</i> L.	11.9
Pineapple (*)	<i>Ananas comosus</i> (L.) Merr.	12.8
Raspberry (*)	<i>Rubus idaeus</i> L.	7.0
Sour Cherry (*)	<i>Prunus cerasus</i> L.	13.5
Strawberry (*)	<i>Fragaria x ananassa</i> Duch.	7.0

Notes:

1. If a juice from concentrate is manufactured from a fruit not mentioned in the above list, the minimum Brix level of the reconstituted juice shall be the Brix level of the juice as extracted from the fruit used to make the concentrate.
2. For those products marked with an asterisk (*), which are produced as a juice, a minimum relative density is determined as such in relation to water at 20/20 °C.
3. For those products marked with two asterisks (**), which are produced as a purée, only a minimum uncorrected Brix reading (without correction of acid) is determined.

4. In respect of blackcurrant, guava, mango and passion fruit, the minimum degree Brix levels only apply to reconstituted fruit juice and reconstituted fruit purée produced in the EU.”