



The Jam and Similar Products Regulations 2003

Guidance Notes

Important Note

This Guidance has been produced with the aim of providing informal, non-statutory advice and should be read in conjunction with the appropriate legislation. The text should not be taken as an authoritative statement or interpretation of the law, as only the courts have this power. Every effort has been made to ensure that these guidance notes are as helpful as possible. However, it is ultimately the responsibility of individual businesses to ensure their compliance with the law. Businesses with specific queries may wish to seek the advice of their local enforcement agency, which will usually be the Local Authority Trading Standards Department.

Revisions

Version 2.0 (January 2005)

In this version, several areas of text have been modified and elaborated in order to clarify the guidance. In addition, several new items of text have been added.

The revisions:

- add reference to horizontal legislation which also applies to specified products under the jam Regulations (section 1.1)
- add reference to a recent amendment to the German language version of the Directive which will allow continued use of the term 'marmelade' to describe certain jams sold in local Austrian and German markets (section 1.2).
- Highlight and explain the provisions regarding seedless extra jams, and highlight that the terms 'conserve' and 'preserve' are no longer provided for in the Regulations (sections 1.4 and 3.1(i)).
- Clarify the scope of the Regulations in relation to bakery jams, which are exempted from the Regulations (sections 2.1 and 2.2).
- Clarify that reserved descriptions may also be used in relishes and savoury products where used in a customary name and where it will not mislead (section 2.2)
- Add text to advise on the requirements for mincemeat and curd products made elsewhere in the EEA (section 2.3(iii))
- Clarify what the name of the food would be in the example labels given on p.9 (section 2.4)
- Add reference to quantitative ingredient declaration requirements for specified jam products in section 3.1(i), and provide further clarification of these requirements in section 4.
- Add text to advise on the labelling of jams and reduced-sugar jams to which fruit sugar or fruit juice has been added, and in relation to sugar content calculation (section 3.3(ii)), and section 4.1).
- Add text to highlight the % limits for soluble dry matter content of reduced sugar jams, and to advise on how products meeting these requirements and previously marketed as spreads should now be labelled.
- Add text to clarify the fruit content labelling and fruit content compositional requirements for stoned fruits (section 4.1)
- Make reference to the dates upon which analogous legislation in Scotland, Wales and N. Ireland came into force (section 5.3)
- Amend the Agency contact names for further information at section 6.

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1. Introduction

1.1 The relevant legislation

These Guidance notes relate to the provisions of the following legislation:

- EC Directive 2001/113 relating to fruit jams, jellies and marmalades and sweetened chestnut puree intended for human consumption
- The Jam and Similar Products (England) Regulations 2003(**SI 2003/3120**)
- The Jam and Similar Products (Scotland) Regulations 2004 (**SI 2004/133**)
- The Jam and Similar Products (Wales) Regulations 2004 (**SI 2004/553 (W.56)**)
- The Jam and Similar Products (Northern Ireland) Regulations 2003 (**SR 2003 No 519**)

In addition, all products covered by the Regulations must also comply with the general provisions of the Food Safety Act 1990, under which all food legislation in Great Britain is made¹, and the general rules governing the labelling of foods laid down by the Food Labelling Regulations 1996 (FLR). Other horizontal legislation, including for example food additives legislation, sweeteners legislation and food contact materials legislation also applies to products covered by the jam Regulations and should be consulted. Agency guidance on this legislation is available on the Agency's website at: <http://www.food.gov.uk/foodindustry/guidancenotes/>

1.2 Legislation in the devolved administrations

Following the process of devolution, food legislation is now commonly made on a separate basis in England, Scotland, Wales and Northern Ireland. This is the case with the four separate sets of Jams Regulations. Therefore the England Regulations apply only in England, the Scotland Regulations apply only in Scotland, and so on.

However, the four sets of Regulations differ only in the powers under which they are made, and the food authorities given responsibility for enforcement. The provisions relating to Jams and similar products are *analogous* in each of the four sets of Regulations.

¹ In Northern Ireland, the equivalent legislation is the *Food Safety (Northern Ireland) Order 1991*.

1.3 Purpose of the legislation

The above domestic Regulations came into force on 31 December 2003 in England (subject to transitional provisions – see section 5.3 below). Between them, the Regulations implement throughout the UK the provisions of EC Directive 2001/113 relating to fruit jams, jellies and marmalades and sweetened chestnut puree intended for human consumption. An amendment to this Directive has recently been agreed and adopted at EU level, which will allow certain Austrian jams sold at local markets to continue to be sold under the reserved description 'Marmelade'. This amendment (Council Directive 2004/84/EC) has recently been published in the Official Journal (OJ L219, 19.6.2004, p.8), but its implementation is unlikely to affect the UK marketplace, as the affected products are restricted to local markets in Austria and Germany and are not traded extensively.

The SI continues with national measures to control certain additional UK products such as mincemeat and fruit curds which are not covered by the Directive. The Regulations therefore lay down compositional standards for the jams and similar products to which they apply and provide additional labelling requirements for these products.

The Regulations revoke and **replace** the Jam and Similar Products Regulations 1981 (SI no. 1981 1063). In Scotland the Regulations revoke and replace The Jam & Similar Products (Scotland) Regulations 1981 (SSI 1981 1320). In Northern Ireland the Regulations revoke and replace The Jam and Similar Products (Northern Ireland) Regulations 1982, and in Wales the Regulations revoke and replace The Jam and Similar Products Regulations (Wales) 1981.

1.4 New Regulations: - differences from the 1981 Jam Regulations

The new provisions are broadly in line with those of the 1981 Regulations, which they replace. However, the new Regulations differ on the following points:

- (a) There is a new requirement to declare residual sulphur dioxide in the list of ingredients, where present at more than 10mg/kg. (see section 4 below).
- (b) There is now a closed list of permitted additional ingredients (see section 3 below)
- (c) The upper and lower limits for the soluble solids content of reduced sugar products have been reduced to 50% and 25% respectively (see section 3 below)

- (d) The Regulations (and therefore the products covered by them), are now subject to the general provisions of the FLR.
- (e) The Regulations now permit seedless extra jams to be marketed (see section 3 below).
- (f) The Regulations no longer make provision for use of the terms 'conserve' and 'preserve' to describe products meeting the reserved description for 'jam' and 'extra jam'. However, this does not mean that these terms may no longer be used (see section 2.4 below).

2. Scope of the Regulations

2.1 Products covered by the Regulations

Regulation 3; Schedule 1

The Regulations apply to a specified jam or similar product that is intended for human consumption and ready for delivery to a mass caterer or to the final consumer. A "specified jam or similar product" means a food covered by the reserved descriptions in the Schedule. Throughout this guidance, the phrase "specified product" is used to mean a food within the scope of the Regulations.

The Regulations **do not apply to** specified products intended for use in the manufacture of **bakery products, pastries and biscuits**. These products have been specifically excluded from the Regulations because they normally require the addition of certain additives and flavourings to enable them to withstand the processing conditions required in the production of bakery wares. If any jam-like substance is intended for use in bakery wares, pastries or biscuits (regardless of whether its composition meets the requirements for 'jam'), then the Jam Regulations do not apply to it. This is because it is the use or intended use of a substance which brings it within the scope of the exemption in Regulation 3, and not the composition of the product. Thus, labelling the jam filling of a jam tart as "jam", or the lemon curd filling of a lemon tart as "lemon curd", whether or not the ingredient meets the compositional requirements set in the Regulations, should not be considered a breach of the Regulations. However, we recommend where possible that such ingredients should meet the compositional requirements in the Regulations with regard to fruit and sugar content.

2.2 Reserved descriptions - General

Regulation 4; Regulation 5(1)(a); Schedule 1

Reserved descriptions are controlled sales names that apply to specified products. The Regulations provide that a food may not be described using one of the reserved descriptions unless it meets the relevant compositional criteria

laid down in the Schedule. Additionally, the reserved descriptions are “names prescribed by law” for the purposes of Regulation 6(1) of the FLR. Therefore the name under which a specified product is sold must be (or include) a reserved description. The exception to this rule is the case of jams or jam-like substances used in the manufacture of bakery products, pastries and biscuits (referred to in section 2.1). Thus, a product may be called a “jam tart” or “jam doughnut” when the filling used does not strictly conform to the requirements for ‘jam’ in the Regulations.

The reserved descriptions may also be used in the name of a food in the following circumstances:

- a) where it is clear that the specified product to which the reserved description relates is only an ingredient of the food. (e.g., “jam sandwich”)
- b) where it is clear that the food is not, and does not contain, the specified product to which the reserved description relates.
- c) where the reserved description is used in a customary name for another food product, including relishes and savoury foods, and its use is not liable to mislead the consumer. (E.g., “aspic jelly”, “jelly beans”, “jelly babies”, “jelly tots”, “jellied eels” etc.)

Point (c) above will also allow the name “jelly” to be used to describe table jelly – i.e., the type of fruit flavour jelly commonly used in trifles and as a dessert on its own; as well as jelly bought in block form, which is dissolved in hot water and set in a mould at home.

Under the general rules of the FLR relating to ingredient listing, where a specified product is used as an ingredient in another food, an appropriate reserved description must be used to describe that product in the list of ingredients (see also section 2.1)

2.3 Reserved descriptions – Fruit curds and mincemeat

Schedule 1, items 8-11

The Regulations also include reserved descriptions for fruit curds and mincemeat (items 8-11 in Schedule 1). Unlike the other reserved descriptions, these products are not controlled by Directive 2001/113. The prevailing UK requirements for mincemeat and curds in the 1981 Jam Regulations have been retained in these new Regulations. These are of course traditionally British products and reserved descriptions are covered only in these UK Regulations, and not in that of the 24 other Member States. For this reason, and because they are a different kind of product to jam, jelly and marmalade, some of the general provisions of the Regulations affect these products in a slightly different way, as described below:

- (i) *Permitted ingredients and treatments:* - the restrictions on the ingredients and treatments that may be used in the preparation of specified products (explained at section 3 below) **do not apply** to fruit curds and mincemeat.
- (ii) *Soluble solids content:* - the minimum required soluble solids content for fruit curds and mincemeat is 65% (this compares with 60% for the rest of the specified products).
- (iii) *Labelling:* - Fruit curds and mincemeat are exempt from some of the labelling provisions of the Regulations such as the requirement to label their fruit and sugar content but are obviously still subject to general labelling provisions. These provisions and exemptions are explained in more detail at Section 4 below.

“mutual recognition” for imported products: - the compositional requirements for fruit curds and mincemeat will not apply to foods imported from other EU Member States. This exemption is required by the general principles of EU law. However, very little if any of these foods are produced in mainland Europe; therefore it is not anticipated that this exemption will have a significant practical effect for UK businesses or consumers. However, if a product made elsewhere in the EEA and sold here is substantially similar to mincemeat so that it could be confused with mincemeat by a consumer, it should make clear (by its labelling) that it is something other than mincemeat as understood in the UK. This would be necessary to avoid the risk of a prosecution for misleading labelling, since the UK consumer clearly understands “mincemeat” to refer to a particular type and quality of product as regulated domestically. This protects the UK consumer from buying similar, but different foreign products by mistake.

2.4 Reserved Descriptions – “conserve” and “preserve”

The 1981 Jams Regulations included a provision whereby the words “conserve” and “preserve” could not be used in the labelling or advertising of a food, unless that food met the compositional requirements for “jam” or “extra jam”. This provision has not been continued in the new Jam Regulations. This is because the provision is not included in Directive 2001/113, and Member States are prohibited from making additional national rules on products covered by this Directive.

This change in the provisions **does not** mean that the terms “conserve” and “preserve” may no longer be used. It does however mean that there are no longer any compositional requirements relating to the use of these terms.

Manufacturers wishing to continue using these terms will need to ensure that (as is currently the case) their product is labelled with an appropriate “name of the food”, which, if the product is a specified product, must include one of the reserved descriptions – as in the following examples:

<p style="text-align: center;">Strawberry conserve Extra Jam</p>

<p style="text-align: center;">Special Christmas Preserve blackcurrant and raspberry jam with spices</p>

In the above examples, ‘Strawberry Conserve Extra jam’ and ‘Blackcurrant and raspberry jam with spices’ would be the names of the foods respectively. The name “special Christmas preserve” could be considered (for the purposes of the FLR) a “fancy name”. Note that this fancy name may be given greater prominence than the name of the food – provided that the name of the food is presented in line with the manner of marking rules of the FLR and is “marked in a conspicuous place in such a way as to be clearly visible” (FLR Regulation 38).

3. Compositional Requirements for specified products

3.1 Reserved descriptions – compositional requirements

Schedule 1; Schedule 2

The compositional requirements for specified products are set out in Schedules 1 and 2. The requirements fall into three categories:

- (i) *Minimum content requirements*: Schedule 1 stipulates the minimum amounts of certain ingredients that must be used in the manufacture of specified products (e.g., fruit, sugar etc). Where jam, extra jam, jelly and extra jelly are produced from two or more types of fruit, the minimum content for each fruit type must be adjusted to take account of this (see section 3.2 on **Required fruit content in mixed fruit products** below) and a quantitative declaration for each of the fruits may be necessary on the label (see Section 4. below).

Note that extra jam is required by the Regulations to be made from fruit pulp only. However, an exception is made to permit seedless extra jams, whereby such jams made from raspberries, blackberries, blackcurrants,

blueberries or redcurrants may be made using only fruit puree (see Schedule 1, item 2.).

- (ii) *Permitted additional ingredients:* Only those ingredients specified in Schedule 2 may be added to jam, extra jam, jelly, extra jelly, marmalade and jelly marmalade - in addition to the “core” ingredients of fruit, sugar and water. The use of a number of ingredients listed in Schedule 2 is also restricted to certain specified products. If ingredients other than those specified in Schedule 2 are added to jam, extra jam, jelly, extra jelly, marmalade or jelly marmalade, then the resulting product would no longer meet the compositional requirements for the specified product and could not be described using a reserved description covered by the Regulations. However, the name of such a food could include the words ‘conserve’ or ‘preserve’. For example, a product made of raspberry jam and cider (which is not covered in the list of permitted additional ingredients), could be called ‘raspberry and cider conserve’. Manufacturers must take care to ensure that the labelling does not mislead consumers into believing that these products are specified products. Annex 2 to this guidance summarises the permitted additional ingredients, and the products in which they may be used.
- (iii) *Permitted treatments:* Only the treatments set out in items 2-4 of Schedule 2 may be used in the production of jam, extra jam, jelly, extra jelly, marmalade and jelly marmalade. Citrus peel is permitted to be subjected to these permitted treatments but may also additionally be preserved in brine. The full provisions are summarised in Annex 2.

NB – The provisions relating to permitted additional ingredients, and permitted treatments do not apply to mincemeat and fruit curds (i.e., items 8-11 in Schedule 1). i.e. Any added ingredient may be used in those products (subject to the general provisions of food law).

3.2 Required fruit content in mixed fruit products

Schedule 1, Note 1

In the case of jam, extra jam, jelly and extra jelly, the minimum required amount of fruit ingredients differ depending on the type of fruit used. The Regulations require that where a mixture of fruits are used, these minima must be “reduced in proportion to the relative quantities of the types of fruit used” – as in the following two examples:

“Blackcurrant and raspberry jam” – where the fruit content is made up of 50% blackcurrants and 50% raspberries.

<u>Fruit ingredient</u>	<u>Minimum required in general</u>	<u>Adjusted minimum</u>
Blackcurrants	250g	250 x 50% = 125g
Raspberries	350g	350 x 50% = 175g
		Total fruit: - 300g

“Mixed fruit jam” – where the fruit content is made up of 60% strawberries, 20% redcurrants, and 20% blackcurrants.

<u>Fruit ingredient</u>	<u>Minimum required in general</u>	<u>Adjusted minimum</u>
Strawberries	350g	350 x 60% = 210g
Redcurrants	250g	250 x 20% = 50g
Blackcurrants	250g	250 x 20% = 50g
		Total fruit: - 310g

3.3 Reduced Sugar Products

Schedule 1, Note 2

The Regulations require as a general rule that jam, extra jam, jelly, extra jelly, marmalade, jelly marmalade and sweetened chestnut puree have a sugars content (expressed as soluble dry matter content) of at least 60%. However, the Regulations provide for two exceptions to this rule:

- (i) *For products where the sugar has been wholly or partly replaced by permitted sweeteners:* Permitted sweetener in this case means a sweetener that is permitted to be added to the specified product by the Sweeteners in Foods Regulations 1995 (SFR). Additional provisions apply to specified products containing permitted sweeteners; these are explained below (see section 4).
- (ii) *For products labelled as “reduced sugar”:* In this case, the product must have a soluble dry matter content of not less than 25%, and not more than 50%. Sugar derived from fruit may be added to “reduced sugar” jams but would need to be declared in the list of ingredients. We advise that this declaration should include the name of the fruit from which the sugar is derived, in the form ‘X sugar’. For example ‘Apple sugar’.

Where the fruit sugar added meets the specifications for one of the types of sugars defined by the Sugars Directive (Directive 2001/111/EC), then it should be listed by the appropriate reserved description. See also section 4.1. Note that where fruit sugar is added to jams it would count as part of the sugar content of the product, remembering that total soluble dry matter in a reduced sugar jam must not exceed 50%.

Manufacturers should also be aware that the upper and lower percentage limits for soluble dry matter content of reduced sugar jams are lower in the new jam Regulations. This means that some products previously marketed as spreads will now fall within the scope of the Jam Regulations, and therefore should now use the appropriate reserved description. For example “reduced sugar raspberry jam”.

4. Labelling of Specified Products

Regulation 5 provides the labelling requirements for specified products; these are described below. In addition, the FLR provide further labelling requirements for specified products containing permitted sweeteners. These are described in more detail in section 4.2 below.

As well as the specific labelling requirements of the new Regulations, specified products are always subject to the general labelling rules of the FLR. In addition, Regulation 6 requires that any labelling information required by the Regulations must be presented according to the manner of marking provisions in the FLR. These are explained in more detail in the **Presentation of the labelling information** section below.

The FLR (as amended) require ingredients that characterise a food to be quantitatively declared in the ingredients list of the food. For jams made from a single fruit, it is our view that the declaration of fruit content as required by the Jam Regulations would meet the QUID requirement of the FLR (see also section 4.4 covering pre-packed for direct sale). However, where jams contain two or more different types of fruit in unequal proportions then it would be necessary to declare the fruit content of each type of fruit separately. For example, a jam made with 45g of blackcurrants and 35g of apples per 100g should make the following fruit content declaration: “Blackcurrant and Apple Jam made with 45g of blackcurrants and 35g of apples per 100g of finished product”. This would not apply if the fruits were in equal proportions or where the name of the food was “Mixed Fruit Jam”.

Separate Agency Guidance Notes on the provisions of the FLR are available from the address at Section 6.

4.1 Required Labelling Information

Regulation 5

Regulation 5 requires that specified products must be labelled with the following information:

All specified products:

- *A reserved description* – this will be the “name prescribed by law” (i.e. the legal name) of the product for the purposes of Regulation 6 of the FLR.
- *Sulphur dioxide content* – where a specified product has a residual sulphur dioxide content of more than 10mg per kg, this must be declared as “sulphur dioxide” in the products list of ingredients. The general rules relating to the ordering of the ingredients list will still apply – i.e., its position in the list must be determined according to the weight of the residue in the final product.

All specified products other than fruit curds and mincemeat:

The total sugar content – this declaration must be given in the form “total sugar content: Yg per 100g”. The proportion of sugar declared represents the total soluble solids content determined by refractometer at 20°C, accurate to +/- 3 refractometric degrees. The soluble solids content is normally measured using a refractometer to give a particular refractive index reading which then equates to a percentage sugar content (read from a set scale which converts refractive index values to % sucrose). Fruit sugar may be used in specified products as part of the sugar content. Where used, we advise that the type of fruit from which the sugar is derived should be declared in the ingredients list, in the form ‘X sugar’. For example, ‘Apple sugar’. Where the fruit sugar added meets the specifications for one of the types of sugars defined by the Sugars Directive (Directive 2001/111/EC), then it should be listed by the appropriate reserved description. See also section 3.3(ii). In a similar way, specified products which are permitted by way of Schedule 2 to contain added fruit juice, must declare the type of fruit from which the juice is derived on the product label.

- Where a product is making a nutritional claim such as “reduced sugar” and is labelled with nutritional information in accordance with Schedule 7 of the FLR, the total sugar content declaration required by the Jams Regulations need not be provided. *NB – In order to take up this flexibility, nutritional information would in practice need to be provided in respect of energy, protein, carbohydrate, sugars, fat, saturates, fibre and sodium (i.e., meeting just the basic requirement to provide information for just energy, protein, carbohydrate and fat will not suffice).* Products which provide nutritional information on a voluntary basis will still be required to contain a sugar

content declaration as required by the Jam Regulations in the form of Xg/100g.

- It should be noted that in products where the nutritional information is provided on a voluntary basis, the numerical sugar value given in the table of nutritional information might appear different from the value given under the Jam Regulations i.e. Xg/100g. The differences in the two values derives from the fact that the FLR for the purposes of nutritional labelling define sugars in terms of mono and disaccharide's while in the Jams Regulations, sugar is taken to mean all saccharides including mono, di and oligosaccharides. As a result two different values may appear on the product label and enforcement officers should note this possible anomaly.

Jam, Extra jam, Jelly, Extra jelly, Marmalade, Jelly marmalade:

- *The type of fruit used in the preparation of the food* – where the product contains two or more types of fruit, the fruit in question must be declared in descending order of weight used in the preparation. Where three or more types of fruit have been used, the words “mixed fruit” (or a similar wording) may be used or alternatively the number of types of fruit used.
- *The proportion of fruit used in the preparation of the product* – this declaration must be given in the form “prepared with Xg of fruit per 100g”. It is important to note that this proportion relates to the amount of fruit from which the fruit ingredients are derived. For example – in the case of a product made using fruit pulp, the declaration should relate to the weight of whole fruit used to make the fruit pulp not the weight of the fruit pulp itself. In the case of stone fruits (for example plums), the fruit content labelling requirement should relate to the weight of the whole fruit (i.e. including the stones) used to make the fruit pulp or puree.

Note – in the case of jam made from stone fruits, the fruit content calculated for the purposes of the **labelling declaration** required under regulation 5 2(b) **may not be the same** as the fruit content calculated to ensure that product meets the **compositional requirements of Schedule 1**. This is because the former relates to the amount of whole fruit used (including the stones), while the latter relate to the minimum amount of edible fruit (i.e. puree or pulp), which will no longer contain any peel or stones.

The Regulations also stipulate that the declarations of both the fruit and sugar contents must both appear in the same field of vision as the name of the product in clearly visible characters. The name of the product may also appear elsewhere on the labelling, and it is not necessary for the total fruit and total

sugar content declarations to accompany the name of the product where it is in the largest type.

4.2 Specified products containing permitted sweeteners

Sweeteners in Foods Regulations; FLR Regulation 34

The Sweeteners in Food Regulations allow a range of sweeteners to be used in the manufacture of jams, jellies and marmalades, where those products are:

- (i) *“energy reduced”*: - An energy-reduced product must have an energy value reduced by at least 30% in comparison with the original food or a similar food.
- (ii) *“no added sugar”*: - A product with “no added sugar” may not contain any added monosaccharide or disaccharide, or other food added for its sweetening properties.

The FLR requires that a specified product containing a permitted sweetener must be labelled with the following information:

- (i) The words “with sweetener(s)”. This declaration must accompany the name of the food. e.g., “strawberry jam, with sweeteners”.
- (ii) Where the specified product contains aspartame, the words “contains a source of phenylalanine”.
- (iii) Where the specified product contains more than 10% added polyols, the words “excessive consumption may produce laxative effects”.

4.3 Presentation of the labelling information

Regulation 6; FLR Regulation 35,36(1) and (5) and 38

Any labelling information with which a specified product is required to be marked by the Regulations, or by the FLR, must be presented in accordance with the manner of marking provisions of the FLR (i.e., Regulations 35, 36(1) and (5) and 38). These are explained below.

General Provisions

The general manner of marking rules require that any information with which a product is required to be labelled must appear: on the packaging; on a label attached to the packaging; or on a label clearly visible through the packaging.

Where a food is sold other than to the final consumer, the labelling information may be provided alternatively in commercial documents, which either accompany the food or are sent before or at the same time as the delivery of the food.

Flexible Provisions

The FLR also provide some flexibility for the way in which the required labelling information is presented for foods that are not pre-packed (i.e., sold loose); or pre-packed for direct sale.

The labelling information for these products may appear: on a label attached to the food; or on a menu, notice, ticket or label that is readily discernible by the intending purchaser at the place where he or she chooses the food

4.4 Pre-packed for direct sale

Reg 23 FLR

The term “pre-packed for direct sale” is defined in the FLR as a food that is pre-packed by a retailer for sale by him or her on the premises where the food is packed, or from a vehicle or stall used by him or her.

Products which fall within this category will be subject to certain exemptions by virtue of Regulation 23 of the FLR. This applies to jams and similar products prepared at home and sold at the farmgate or in market stalls and those home-made products sold by charitable institutions.

Therefore the above products will be exempt from the requirement to include the declaration “X grams of fruit per 100g” and “Y grams of sugar per 100g” on the label. Regulation 5 (bA) of the FLR (implemented by the Food Labelling (Amendment) Regulations 1998), requires “the quantity of certain ingredients or categories of ingredients” to be declared on the label, but in the case of jams the exact form and type of information is provided by Regulation 5 of the Jam and Similar Products Regulations. However Regulation 23 of the FLR exempts products which are “pre-packed for direct sale” from Regulations 5.

Note - Regulation 5 of the FLR can be said to apply in the case of jam, etc. since Regulation 5(2) of the Jam Regulations are “without prejudice to the generality of Part II of the 1996 Regulations i.e. no person shall sell any product specified at items 1-7 of Schedule 1 unless it is marked or labelled with the

following particulars...”, thus applying Regulation 23 of the FLR, which is in Part II.

5. Enforcement issues

5.1 Offences and penalties

Regulation 7

The Regulations create an offence where a person sells, offers for sale or exposes for sale:

- a food bearing one of the reserved descriptions, where that reserved description is not used in line with the requirements of Regulation 4 (explained at Section 2 above);
- a specified product that is not labelled in line with the requirements of the Regulations.

The penalty on conviction for an offence under the Regulations is a fine not exceeding level 5 on the standard scale (currently £5,000).

5.2 Responsibility for enforcement

Regulation 7

Local Authorities are responsible for the enforcement of the Regulations. Businesses with specific queries may wish to seek the advice of their local enforcement authority, or their home authority where appropriate.

Contact details for Local Authorities are available from the Agency’s website at www.food.gov.uk

5.3 Coming into force date and transitional arrangements

Regulations 1 and 11

The Regulations came into force on 31 December 2003. Analogous legislation in Scotland, Wales and Northern Ireland came into force on 28th April 2004, 5th March 2004, and 19th January 2004 respectively.

The Regulations provide a transitional period until 12 July 2004. Products labelled or marked before this date can continue to be sold until stocks have been used up, providing their labelling complies with the 1981 Jams and Similar Products Regulations, and the general provisions of the FLR.

5.4 Defence in relation to exports

Regulation 8

In any legal proceedings for an offence under the Regulations, it is a defence to prove that the food in question was intended for export to a country that has legislation analogous to the Regulations, and that the food complies with that legislation. In the case of exports to another EEA state (i.e., one of the 25 EC Member States as well as Norway, Liechtenstein and Iceland), the defendant must also prove that the legislation of the importing country complies with the provisions of the EC Jams Directive (2001/113).

Where a product is intended for export to a country outside the EEA, and which has no analogous legislation, the product must comply with the England Regulations (or Scotland, Wales or Northern Ireland Regulations where appropriate).

6. Further information

For further information on the legislation and policy relating to Jams and Similar Products, please contact:

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Annex 1**SCHEDULE 1**

Regulation 2(1)

COMPOSITION

	Column 1 Reserved Descriptions	Column 2 Specified jam or similar product
1.	Jam	<p>A mixture, brought to a suitable gelled consistency, of sugars, the pulp or purée or both of one or more kinds of fruit and water, such that the quantity of fruit pulp or fruit purée or both used for every 1000 grams of the finished product is not less than –</p> <p>(i) 250 grams in the case of redcurrants, blackcurrants, rosehips, rowanberries, sea buckthorns or quinces,</p> <p>(ii) 150 grams in the case of ginger,</p> <p>(iii) 160 grams in the case of cashew apples,</p> <p>(iv) 60 grams in the case of passion fruit,</p> <p>(v) 350 grams in the case of any other fruit.</p>
2.	Extra Jam	<p>A mixture, brought to a suitable gelled consistency, of –</p> <ul style="list-style-type: none"> - sugars, the unconcentrated pulp of one or more kinds of fruit and water, or - in the case of rosehip extra jam or seedless raspberry, blackberry, blackcurrant, blueberry or redcurrant extra jam, of sugars, the unconcentrated purée of that fruit, or a mixture of the unconcentrated pulp and purée of that fruit, and water, <p>but the following fruits may not be used mixed with others in the manufacture of extra jam: apples, pears, clingstone plums, melons, watermelons, grapes, pumpkins, cucumbers and tomatoes.</p> <p>The quantity of fruit pulp or fruit purée or both used for every 1000 grams of the finished product being not less than –</p> <p>(i) 350 grams in the case of redcurrants, blackcurrants, rosehips, rowanberries, sea buckthorns or quinces,</p> <p>(ii) 250 grams in the case of ginger,</p> <p>(iii) 230 grams in the case of cashew apples,</p> <p>(iv) 80 grams in the case of passion fruit,</p> <p>(v) 450 grams in the case of any other fruit,</p>
3.	Jelly	An appropriately gelled mixture of sugars and fruit juice or aqueous extract of fruit or both such that the quantity of fruit juice

	Column 1 Reserved Descriptions	Column 2 Specified jam or similar product
		<p>or aqueous extract of fruit or both used for every 1000 grams of the finished product is not less than –</p> <ul style="list-style-type: none"> (i) 250 grams in the case of redcurrants, blackcurrants, rosehips, rowanberries, sea buckthorns or quinces, (ii) 150 grams in the case of ginger, (iii) 160 grams in the case of cashew apples, (iv) 60 grams in the case of passion fruit, (v) 350 grams in the case of any other fruit. <p>The quantities in paragraphs (i) to (v) above are calculated after deduction of the weight of water used in preparing the aqueous extracts.</p>
4.	Extra Jelly	<p>An appropriately gelled mixture of sugars and fruit juice or aqueous extract of fruit, or both, but the following fruits may not be used mixed with others in the manufacture of extra jelly: apples, pears, clingstone plums, melons, watermelons, grapes, pumpkins, cucumbers and tomatoes.</p> <p>The quantity of fruit juice or aqueous extract of fruit, or both, used for every kilogram of the finished product being not less than –</p> <ul style="list-style-type: none"> (i) 350 grams in the case of redcurrants, blackcurrants, rosehips, rowanberries, sea buckthorns or quinces, (ii) 250 grams in the case of ginger, (iii) 230 grams in the case of cashew apples, (iv) 80 grams for passion fruit, (v) 450 grams in the case of any other fruit. <p>The quantities in paragraphs (i) to (v) above are calculated after deduction of the weight of water used in preparing the aqueous extracts.</p>
5.	Jelly marmalade	<p>The composition of marmalade, as described below but where the product contains no insoluble matter except possibly for small quantities of finely sliced peel.</p>

	Column 1 Reserved Descriptions	Column 2 Specified jam or similar product
6.	Marmalade	A mixture, brought to a suitable gelled consistency, of water, sugars and fruit pulp, fruit purée, fruit juice, fruit peel or aqueous extract of fruit or any combination thereof, in every case obtained from citrus fruit, such that the quantity of citrus fruit used for every 1000 grams of the finished product is not less than 200 grams, of which not less than 75 grams is obtained from the endocarp.
7.	Sweetened chestnut purée	A mixture brought to a suitable consistency, of water, sugar and puréed chestnuts, such that the quantity of puréed chestnuts used for every 1000 grams of the finished product is not less than 380 grams.
8.	X curd	An emulsion of edible fat or oil (or both), sugar, whole egg or egg yolk (or both), and any combination of fruit, fruit pulp, fruit purée, fruit juice, aqueous extract of fruit or essential oils of fruit, with or without other edible ingredients, such that – <ul style="list-style-type: none"> (a) the quantity of fat and oil used for every 1000 grams of the finished product is not less than 40 grams; (b) the quantity of whole and egg yolk used for every 1000 grams of the finished product is not less than 6.5 grams of egg yolk solids; and (c) the quantity of fruit, fruit pulp, fruit purée, fruit juice, aqueous extract of fruit, and essential oil of fruit is sufficient to characterise the finished product.
9.	Lemon cheese	A food conforming to the description in item 8 above appropriate for lemon curd.
10.	Y flavour curd	An emulsion of edible fat or oil (or both), sugar, whole egg or egg yolk (or both), and flavouring material with or without other edible ingredients, such that – <ul style="list-style-type: none"> (a) the quantity of fat and oil used for every 1000 grams of the finished product is not less than 40 grams; (b) the quantity of whole egg and egg yolk used is such that every 1000 grams of the finished product contains not less than 6.5 grams of egg yolk solids; and (c) the quantity of flavouring material used is sufficient to characterise the product.

	Column 1 Reserved Descriptions	Column 2 Specified jam or similar product

11.	Mincemeat	<p>A mixture of sweetening agents, vine fruits, citrus peel, suet or equivalent fat and vinegar or acetic acid, with or without other edible ingredients, such that –</p> <p>(a) the quantity of vine fruits and citrus peel used for every 1000 grams of the finished product is not less than 300 grams, of which not less than 200 grams consists of vine fruits; and</p> <p>(b) the quantity of suet or equivalent fat used for every 1000 grams of the finished product is not less than 25 grams.</p> <p>For the purposes of this entry, “sweetening agents” means –</p> <p>(a) any sugar product defined in the Annex to Directive 2001/111/EC^(a) relating to certain sugars intended for human consumption;</p> <p>(b) brown sugar;</p> <p>(c) cane molasses;</p> <p>(d) honey, as defined in Council Directive 2001/110/EC^(b) relating to honey.</p>

NOTES

1. In the case of a product prepared from a mixture of types of fruit, column 2 of this Schedule shall be read as if the minimum quantities specified for the various types of fruit mentioned or referred to therein were reduced in proportion to the relative quantities of the types of fruit used.
2. The products described in this Schedule must have a soluble dry matter content of 60% or more as determined by refractometer at 20°C except for –
 - (a) those products in respect of which sugars have been wholly or partially replaced by permitted sweeteners;
 - (b) those products labelled “reduced sugar” which may have a soluble dry matter content of not less than 25% and not more than 50%;
 - (c) those products described in items 8 to 11 which must have a soluble dry matter content of 65% or more.
3. Column 1 of this Schedule shall be read as if for “X” in item 8 there were substituted –
 - (a) the name of a particular type of fruit; or
 - (b) the words “mixed fruit”; or
 - (c) the word “fruit” preceded by an indication of the number of types of fruit used in the preparation of the food described in column 2 of the item.

^(a) OJ No. L10, 12.1.2002, p.53.

^(b) OJ No. L10, 12.1.2002, p.47.

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4. Column 1 of this Schedule shall be read as if for “Y” in item 10 there were substituted –
 - (a) the name of a particular type of fruit; or
 - (b) the words “mixed fruit”.

Annex 2 –

Schedule 2

NB – these restrictions do not apply to fruit curds and mincemeat

Permitted additional ingredients

Permitted ingredient	Products in which it may be used
Honey (as defined by EC Directive 2001/110) used as a total or partial substitute for sugar	All specified products
Fruit juice	Jam
Citrus fruit juice in products obtained from non-citrus fruits	Jam, Extra jam, Jelly, Extra jelly
Red fruit juices	Jam and Extra jam manufactured from rosehips, strawberries, raspberries, gooseberries, redcurrants, plums and rhubarb
Red beetroot juice	Jam and Extra jam manufactured from strawberries, raspberries, gooseberries, redcurrants and plums.
Essential oils of citrus fruits	Marmalade, Jelly marmalade
Edible oils and fats used as anti-foaming agents	All specified products
Liquid pectin	All specified products
Citrus peel (including citrus peel which has been preserved in brine)	Jam, Extra jam, Jelly, Extra jelly
Leaves of <i>Pelargonium odoratissimum</i>	All specified products where they are made from quince
Spirits, wine and liqueur wine, nuts, aromatic herbs, spices, vanilla and vanilla extracts	All specified products
Vanilline	All specified products
Apricots and plums which have been dried other than by freeze-drying	Jam
Any additive permitted in accordance with the Miscellaneous Additives Regulations 1995	All specified products

Authorised treatments

Fruit, fruit pulp, fruit purée and aqueous extract of fruit may be treated in the following ways:

- (a) heated, chilled or frozen
- (b) freeze-dried
- (c) with the addition of sulphur dioxide and its salts (except for ingredients used in the preparation of extra jam and extra jelly).