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STATUTORY INSTRUMENTS

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**2013 No.**

**FOOD, ENGLAND**

**The Jam and Similar Products (England) Regulations 2013**

*Made* - - - - - \*\*\* 2013  
*Laid before Parliament* \*\*\* 2013  
*Coming into force* - - - - - 1st October 2013

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The following Regulations make provision for a purpose mentioned in section 2(2) of the European Communities Act 1972(a) and it appears to the Secretary of State that it is expedient for any reference in the following Regulations to a European Union instrument referred to in Schedule 1 to be construed as a reference to that instrument as amended from time to time.

The Secretary of State is a Minister designated(b) for the purposes of section 2(2) of the European Communities Act 1972 in relation to food and drink intended for sale for human consumption, including the presentation, packaging, labelling, marketing and advertising of such food and drink.

So far as the following Regulations are made in exercise of powers under the Food Safety Act 1990(c), the Secretary of State has had regard to relevant advice given by the Food Standards Agency in accordance with section 48(4A)(d) of that Act.

There has been consultation as required by Article 9 of Regulation (EC) No 178/2002(e) of the European Parliament and of the Council laying down the general principles and requirements of food law, establishing the European Food Safety Authority and laying down procedures in matters of food safety.

The Secretary of State makes the following Regulations in exercise of the powers conferred by—

- (a) so far as relating to regulation 2(3) and Schedule 1, paragraph 1A of Schedule 2 to the European Communities Act 1972(f); and
- (b) so far as relating to the other provisions of these Regulations, sections 6(4)(g), 16(1)(e), 17(1), 26(1) and (3)(h) and 48(1)(i) of the Food Safety Act 1990 and now vested in the Secretary of State(j).

#### **Citation, application, commencement and expiry**

**1.—(1)** These Regulations may be cited as the Jam and Similar Products (England) Regulations 2013 and they apply in England only.

(2) They come into force on 1st October 2013.

(3) Regulation 9 ceases to have effect on 13th December 2014.

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- (a) 1972 c. 68. Section 2(2) was amended by section 27(1)(a) of the Legislative and Regulatory Reform Act 2006 (c. 51) and Part 1 of the Schedule to the European Union (Amendment) Act 2008 (c. 7).
  - (b) S.I. 2005/2766, to which there are amendments not relevant to these Regulations.
  - (c) 1990 c. 16.
  - (d) Section 48(4A) was inserted by paragraphs 7 and 21 of Schedule 5 to the Food Standards Act 1999.
  - (e) OJ No L 31, 1.2.2002, p 1, last amended by Regulation (EC) No 596/2009 of the European Parliament and of the Council (OJ No L 188, 18.7.2009, p 14).
  - (f) Paragraph 1A of Schedule 2 was inserted by section 28 of the Legislative and Regulatory Reform Act 2006 and amended by S.I. 2007/1388 and section 3(3) of, and Part 1 of the Schedule to, the European Union (Amendment) Act 2008.
  - (g) Section 6(4) was amended by paragraph 6 of Schedule 9 to the Deregulation and Contracting Out Act 1994 (c. 40), paragraphs 7, 10(1) and (3) of Schedule 5, and Schedule 6, to the Food Standards Act 1999 (c. 28), and Schedule 2 to S.I. 2002/794.
  - (h) Section 26(3) was partially repealed by Schedule 6 to the Food Standards Act 1999.
  - (i) Section 48(1) was amended by paragraphs 7 and 8 of Schedule 5 to the Food Standards Act 1999.
  - (j) 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) are now exercisable in relation to England by the Secretary of State pursuant to paragraph 8 of Schedule 5 to the Food Standards Act 1999.

## Interpretation

### 2.—(1) In these Regulations—

“the Act” means the Food Safety Act 1990;

“aqueous extract of fruit” means the aqueous extract of fruit which, subject to the losses necessarily occurring in proper manufacturing, contains all the water-soluble constituents of the fruit used;

“authorised additional ingredient” means an ingredient specified in Schedule 2 which, where there are restrictions in the Schedule, is used as specified in that Schedule;

“authorised officer” means any person who has written authority from a food authority to act in matters arising under or in relation to the Act or these Regulations;

“authorised treatment” means a treatment specified in Schedule 3;

“Directive 2001/113/EC” means Council Directive 2001/113/EC(a) relating to fruit jams, jellies and marmalades and sweetened chestnut purée intended for human consumption;

“fruit” means fresh, sound fruit, free from deterioration, containing all of its essential constituents and sufficiently ripe for use, after cleaning, removal of blemishes, topping and tailing, and includes ginger, tomatoes, the edible parts of rhubarb stalks, carrots, sweet potatoes, cucumbers, pumpkins, melons and watermelons;

“fruit pulp” means the edible part of the whole fruit, with or without (as appropriate) the peel, skin, seeds, pips or the like, which may have been sliced or crushed but which has not been reduced to a purée;

“fruit purée” means the edible part of the whole fruit, with or without (as appropriate) the peel, skin, seeds, pips or the like, which has been reduced to a purée by being sieved or by being subjected to a similar process;

“ginger” means the edible root of the ginger plant in a fresh or preserved state, including dried ginger root and ginger root preserved in syrup;

“honey” has the meaning given in point 1 of Annex I to Council Directive 2001/110/EC(b) relating to honey;

“ingredient” has the meaning given in Article 2(2)(f) of Regulation (EU) No 1169/2011(c);

“in trade” has the same meaning as in Directive 2001/113/EC and cognate expressions shall be construed accordingly;

“labelling” has the meaning given in Article 2(2)(j) of Regulation (EU) No 1169/2011;

“permitted sweetener” means any sweetener in so far as its use is permitted in a regulated product by Regulation (EC) No 1333/2008(d);

“regulated product” means a product that is listed in column 1 of Part 1 of Schedule 4 and complies with the requirements for that product set out in the Part of the Schedule specified in the corresponding entry in column 2 of Part 1 of Schedule 4;

“Regulation (EC) No 1924/2006” means Regulation (EC) No 1924/2006(e) of the European Parliament and of the Council on nutrition and health claims made on foods;

“Regulation (EC) No 1333/2008” means Regulation (EC) No 1333/2008 of the European Parliament and of the Council on food additives;

“Regulation (EU) No 1169/2011” means Regulation (EU) No 1169/2011 of the European Parliament and of the Council on the provision of food information to consumers, amending Regulations (EC) No 1924/2006 and (EC) No 1925/2006 of the European Parliament and of the Council, and repealing Commission Directive 87/250/EEC, Council Directive

(a) OJ No L 10, 12.1.2002, p 67, last amended by Council Regulation (EC) No 1182/2007 (OJ No L 273, 17.10.2007, p 1).

(b) OJ No L 10, 12.1.2002, p 47, as read with the corrigendum published in OJ No L 52, 21.2.2007, p 16.

(c) OJ No L 304, 22.11.2011, p 18.

(d) OJ No L 354, 31.12.2008, p 16, last amended by Commission Regulation (EU) No 1057/2012 (OJ No L 313, 13.11.2012, p 11).

(e) OJ No L 404, 30.12.2006, p 9, last amended by Regulation (EU) No 1047/2012 (OJ No L 310, 9.11.2012, p 36).

90/496/EEC, Commission Directive 1999/10/EC, Directive 2000/13/EC of the European Parliament and of the Council, Commission Directives 2002/67/EC and 2008/5/EC and Commission Regulation (EC) No 608/2004;

“sugars” means any of the following—

- (a) sugars as defined in the Annex to Council Directive 2001/111/EC<sup>(a)</sup> relating to certain sugars intended for human consumption;
- (b) fructose syrup;
- (c) sugars extracted from fruit;
- (d) brown sugar.

(2) Any other expression used both in these Regulations and in Directive 2001/113/EC has the same meaning in these Regulations as in that Directive.

(3) In these Regulations any reference to an EU instrument referred to in Schedule 1 is a reference to that instrument as amended from time to time.

(4) In the case of a regulated product prepared from a mixture of different kinds of fruit, any reference in these Regulations to a minimum quantity of fruit must be read as if the minimum quantity specified for the relevant kinds of fruit were reduced in proportion to the relative quantities of the kinds of fruit used to manufacture the product.

### **Scope**

**3.** These Regulations apply to products intended for human consumption except for any product intended for the manufacture of fine bakery wares, pastries or biscuits.

### **Use of a product name**

**4.—**(1) A person who trades in a product that complies with the requirements of a Part of Schedule 4 specified in column 2 of Part 1 of Schedule 4 must use the name of the product listed in the corresponding entry in column 1 of Part 1 of Schedule 4, in trade, as the name of the product.

(2) A person must not use a product name listed in column 1 of Part 1 of Schedule 4, in trade, as the name of a product unless the product complies with the requirements for that product specified in the Part of the Schedule mentioned in the corresponding entry in column 2 of Part 1 of Schedule 4.

(3) But paragraph (2) does not prevent a product name being used, in trade, in addition to the name of another product if—

- (a) the use of the product name in that way is in accordance with practices used to designate the other product; and
- (b) the other product cannot be confused with a regulated product.

### **Indication of kinds of fruits used**

**5.—**(1) A person must not trade in a regulated product unless the product name is supplemented with an indication of the kinds of fruits used to manufacture the product in accordance with the paragraphs (2) to (4).

(2) Where a regulated product is manufactured using a single kind of fruit, the product name must be supplemented with an indication of the kind of fruit used to manufacture the product.

(3) Where a regulated product is manufactured from two kinds of fruit, the product name must be supplemented with an indication of those kinds of fruit in descending order of the weight of the raw materials of the fruit used to manufacture the product.

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(a) OJ No L 10, 12.1.2002, p 53.

(4) Where a regulated product is manufactured from three or more kinds of fruit, the product name must be supplemented—

- (a) with an indication of the kinds of fruit used in descending order of the weight of the raw materials of fruit used to manufacture the product;
- (b) with the words “mixed fruit” or similar wording; or
- (c) with the number of kinds of fruit used.

#### **Fruit content indication**

6.—(1) A person must not trade in a regulated product unless the labelling of the product indicates the fruit content of the product in accordance with paragraphs (2) to (4).

(2) The fruit content must be indicated by including the words “prepared with x g of fruit per 100 g” with the quantity in grams of fruit from which the fruit pulp, fruit purée, fruit juice, fruit peel and aqueous extract of fruit used for every hundred grams of the finished product are derived being inserted in place of the “x”.

(3) If aqueous extracts are used in the manufacture of a regulated product, the fruit content of the finished product must be calculated after deducting the weight of any water used to prepare the aqueous extracts.

(4) The fruit content indication required by paragraph (1), as read with paragraph (2), must appear in the same visual field as the product name and be in clearly visible characters.

#### **Total sugar content indication**

7.—(1) A person must not trade in a regulated product unless the labelling of the product indicates the total sugar content of the product in accordance with paragraphs (2) to (5).

(2) The total sugar content must be indicated by including the words “total sugar content: x g per 100 g”, with the content in grams of soluble solids in each hundred grams of the product inserted in place of the ‘x’.

(3) The total sugar content of the product must be determined by a refractometer at 20°C.

(4) The total sugar content must be accurate to  $\pm 3$  refractometric degrees.

(5) The total sugar content indication required by paragraph (1), as read with paragraph (2), must appear in the same visual field as the product name and be in clearly visible characters.

(6) Paragraph (1) does not apply where a claim as regards the sugar content of a regulated product is made and the product is marked or labelled, as regards its sugar content, with the prescribed nutrition labelling as set out in—

- (a) before 13th December 2014, Schedule 7 to the Food Labelling Regulations 1996(a); and
- (b) on and after 13th December 2014, Articles 30 to 35 of Regulation (EU) No 1169/2011.

#### **Residual sulphur dioxide**

8. A person must not trade in a regulated product that has a residual sulphur dioxide content of more than 10 milligrams per kilogram unless the presence of that residual sulphur dioxide is indicated in the list of ingredients of the product according to the percentage by weight of the residual sulphur dioxide in the product.

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(a) S.I. 1996/1499, as amended by S.I. 2004/1512, 2009/2538.

### **Manner of marking or labelling**

9. Regulations 35, 36(1) and (5) and 38 of the Food Labelling Regulations 1996 (which relate to the manner of marking or labelling of food) apply to any particulars that must be given in relation to a regulated product under regulations 5 and 8 of these Regulations.

**Comment [ 1 ]:** The reason that the provision is time-limited is because, from 13th December 2014, directly applicable provisions in Regulation (EU) No 1169/2011 will apply, making provisions of this sort unnecessary.

### **Enforcement**

10. It is the duty of each food authority within its area to enforce these Regulations.

### **Improvement notice – application of subsections (1) and (2) of section 10 of the Act**

11.—(1) Subsections (1) and (2) of section 10 of the Act (improvement notices) apply for the purposes of these Regulations with the following modifications.

(2) For subsection (1), substitute—

“(1) If an authorised officer of an enforcement authority has reasonable grounds for believing that a person is failing to comply with a provision of the Jam and Similar Products (England) Regulations 2013 specified in paragraph (1A), the authorised officer may, by a notice served on that person (in this Act referred to as an “improvement notice”)—

- (a) state the officer’s grounds for believing that the person is failing to comply with the relevant provision;
- (b) specify the matters which constitute the person’s failure so to comply;
- (c) specify the measures which, in the officer’s opinion, the person must take in order to secure compliance; and
- (d) require the person to take those measures, or measures that are at least equivalent to them, within such period (not being less than 14 days) as may be specified in the notice.

(1A) The provisions are—

- (a) regulation 4(1), as read with regulation 4(2);
- (b) regulation 4(3);
- (c) regulation 5;
- (d) regulation 6(1), as read with regulation 6(2) and (3);
- (e) regulation 6(4);
- (f) regulation 7(1), as read with regulation 7(2), (3), (4) and (6);
- (g) regulation 7(5);
- (h) regulation 8;
- (i) regulation 9.”.

### **Appeal against improvement notice – application of subsections (1) and (6) of sections 37 and section 39 of the Act**

12.—(1) Subsections (1) and (6) of section 37 of the Act (appeals) apply for the purposes of these Regulations with the following modifications—

(a) for subsection (1), substitute—

“(1) Any person who is aggrieved by a decision of an authorised officer of an enforcement authority to serve an improvement notice under section 10(1), as applied and modified by regulation 11 of the Jam and Similar Products (England) Regulations 2013, may appeal to the First-tier Tribunal.”; and

(b) in subsection (6)—

- (i) for “(3) or (4)”, substitute “(1)”; and

(ii) in paragraph (a), for “a magistrates’ court or to the sheriff”, substitute “the First-tier Tribunal”.

(2) Section 39 of the Act (appeals against improvement notices) applies for the purposes of these Regulations with the modification that subsection (1) is substituted as follows—

“(1) On an appeal against a decision of an authorised officer of an enforcement authority to serve an improvement notice under section 10(1), as applied and modified by regulation 11 of the Jam and Similar Products (England) Regulations 2013, the First-tier Tribunal may either cancel or affirm the notice, and, if it affirms it, may do so either in its original form or with such modifications as the Tribunal may in the circumstances think fit.”.

### Application of other provisions of the Act

13. The provisions of the Act specified in column 1 of Schedule 5 apply with the modifications specified in column 2 of that Part for the purposes of these Regulations.

### Revocations

14. The Jam and Similar Products (England) Regulations 2003(a) and [regulation 20(3) of the Food Additives, Flavourings, Enzymes and Extraction Solvents (England) Regulations 2013(b)] are revoked.

### Transitional provisions

15. An authorised officer of an enforcement authority must not serve an improvement notice under section 10(1) of the Act, as applied and modified by regulation 11 if—

- (a) the improvement notice would relate to food that was traded, or labelled, before the coming into force of these Regulations; and
- (b) the matters constituting the alleged contravention would not have constituted an offence under the Jam and Similar Products (England) Regulations 2003 as in force immediately before the date of coming into force of these Regulations.

### Review

16.—(1) The Secretary of State must from time to time—

- (a) carry out a review of these Regulations;
- (b) set out the conclusions of the review in a report; and
- (c) publish the report.

(2) In carrying out the review the Secretary of State must, so far as is reasonable, have regard to how Directive 2001/113/EC (which is implemented by means of these Regulations) is implemented in other member States.

(3) The report must, in particular—

- (a) set out the objectives intended to be achieved by the regulatory system established by these Regulations;
- (b) assess the extent to which those objectives are achieved; and
- (c) assess whether those objectives remain appropriate and, if so, the extent to which they could be achieved with a system that imposes less regulation.

(4) The first report under this regulation must be published before the end of the period of five years beginning with 1st October 2013.

#### Comment [ 2 ]:

Regulation 18(5) of the Food Additives (England) Regulations 2009 amended the Jam and Similar Products (England) Regulations 2003.

By the time these Regulations are made, new FSA Regulations - the Food Additives, Flavourings, Enzymes and Extraction Solvents (England) Regulations 2013 - should be in force and will have revoked the 2009 Regulations .

With this in mind this provision has been drafted so that it provides for the revocation of the provision in the new FSA Regulations which will amend the old Jam Regulations.

(a) S.I. 2003/3120, as amended by S.I. 1013/[to be completed when new FSA Regulations come into force].  
(b) S.I. 2013/[to be completed when new FSA Regulations come into force].

(5) Reports under this regulation are afterwards to be published at intervals not exceeding five years.

Date *Name*  
Minister of State  
Department for Environment, Food and Rural Affairs

### SCHEDULE 1

Regulation 2(3)

#### Ambulatory references

The EU instruments that must be construed as amended from time to time are—

- (a) Council Directive 2001/110/EC;
- (b) Council Directive 2001/111/EC;
- (c) Regulation (EC) No 1924/2006;
- (d) Regulation (EC) No 1333/2008;
- (e) Regulation (EU) No 1169/2011.

### SCHEDULE 2

Regulation 2(1)

#### Authorised additional ingredients

The following additional ingredients may be used in the manufacture of a regulated product to the extent stated below—

- (f) honey, as a total or partial substitute for sugars;
- (g) edible oils and fats as anti-foaming agents;
- (h) liquid pectin;
- (i) spirits, wine and liqueur wine, nuts, aromatic herbs, spices, vanilla and vanilla extracts;
- (j) vanilline; and
- (k) any substance permitted pursuant to Regulation (EC) No 1333/2008.

### SCHEDULE 3

Regulation 2(1) and paragraphs  
5, 13, 20, 28, 35 and 41 of  
Schedule 4

#### Authorised treatments

**1.** Fruit, fruit pulp, fruit purée and aqueous extracts of fruit may be—

- (a) heated, chilled or frozen;
- (b) freeze-dried; or
- (c) concentrated, to the extent that is technically possible.

**2.** Except when used for the manufacture of extra jam or extra jelly, fruit, fruit pulp, fruit purée and aqueous extracts of fruit may be treated using sulphur dioxide (E 220) or its salts (E 221, E 222, E 223, E 224, E 226 and E 227) as an aid to manufacture, provided that the maximum sulphur-dioxide content laid down in Regulation (EC) No 1333/2008 is not exceeded.

3. Apart from being freeze-dried, apricots and plums used in the manufacture of jam may also be treated by any other drying process.

4. Citrus peel may be preserved in brine.

## SCHEDULE 4

Regulations 2(1),  
and 4(1) and (2) and Schedule 2

### Regulated products

#### PART 1

##### List of products

<i>Column 1</i> <i>Product name</i>	<i>Column 2</i> <i>Part of this Schedule containing the specification for the product</i>
Jam	Part 2
Extra jam	Part 3
Jelly	Part 4
Extra jelly	Part 5
Marmalade	Part 6
Jelly marmalade	Part 7
Sweetened chestnut purée	Part 8

#### PART 2

##### Jam

1. Jam is a mixture, brought to a suitable gelled consistency, of—

- (a) sugars;
- (b) subject to paragraph 2, fruit pulp, or fruit purée, or both fruit pulp and fruit purée of one or more kinds of fruit; and
- (c) water.

2. Notwithstanding paragraph 1(b), citrus jam may be obtained from the whole fruit, cut into strips, sliced or cut into strips and sliced.

3. The quantity of fruit pulp, or fruit purée, or both, used for every 1,000 grams of the finished product must not be less than—

- (a) 250 grams in the case of any of the following—
  - (i) redcurrants;
  - (ii) rowanberries,
  - (iii) sea buckthorns;
  - (iv) blackcurrants;

- (v) rosehips; and
- (vi) quinces;
- (b) 150 grams in the case of ginger;
- (c) 160 grams in the case of cashew apples;
- (d) 60 grams in the case of passion fruit; and
- (e) 350 grams in the case of any other fruit.

4. Apart from the ingredients mentioned in paragraph 1, the product must not contain anything else except that it may contain any of the following—

- (a) an authorised additional ingredient;
- (b) citrus fruit juice, in a product obtained from other kinds of fruit;
- (c) red fruit juice, in a product manufactured from any of the following fruits—
  - (i) rosehips;
  - (ii) strawberries;
  - (iii) raspberries;
  - (iv) gooseberries;
  - (v) redcurrants;
  - (vi) plums; and
  - (vii) rhubarb;
- (d) red beetroot juice, in a product manufactured from any of the following fruits—
  - (i) strawberries;
  - (ii) raspberries;
  - (iii) gooseberries;
  - (iv) redcurrants; and
  - (v) plums;
- (e) other fruit juice;
- (f) citrus peel; and
- (g) leaves of *Pelargonium odoratissimum*, in a product made from quince.

5. Any raw materials used to manufacture the product in accordance with this Part that are mentioned in Schedule 3 must not have been treated except using an authorised treatment.

6. The product must have a soluble dry matter content of 55% 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 in respect of which a “reduced sugar” claim is made in accordance with the conditions laid down in Regulation (EC) No 1924/2006;
- (c) those products that, subject to the minimum fruit based component required by paragraph 3(e), are made, as regards that component, only using fruit pulp or fruit purée, or both, of *Malus domestica* “Bramley’s Seedling”; and
- (d) those products that, subject to the minimum fruit based component required by paragraph 3 (as read with regulation 2(4)), are made, as regards that component—
  - (i) partly using a minimum of 175 grams of fruit pulp or fruit purée, or both, of *Malus domestica* “Bramley’s Seedling” for every 1,000 grams of finished product; and
  - (ii) partly using fruit pulp or fruit purée, or both, of another variety of apples or kind of fruit.

7. The products to which paragraph 6(c) and (d) relate must have a must have a soluble dry matter content of 50% or more.

### PART 3

#### Extra jam

8. Extra jam is a mixture, brought to a suitable gelled consistency, of—

- (a) in the case of rosehip extra jam, and in the case of seedless raspberry, blackberry, blackcurrant, blueberry or redcurrant extra jam—
  - (i) sugars;
  - (ii) the unconcentrated purée of that fruit, or a mixture of the unconcentrated pulp and purée of that fruit; and
  - (iii) water; and
- (b) in other cases—
  - (i) sugars;
  - (ii) subject to paragraph 2, the unconcentrated pulp of one or more kinds of fruit; and
  - (iii) water.

9. Notwithstanding paragraph 1(b)(ii), citrus extra jam may be obtained from the whole fruit, cut into strips, sliced or cut into strips and sliced.

10. The following fruits must not be mixed with other fruits in the manufacture of extra jam—

- (a) apples;
- (b) pears;
- (c) clingstone plums;
- (d) melons;
- (e) watermelons;
- (f) grapes;
- (g) pumpkins;
- (h) cucumbers; and
- (i) tomatoes.

11. The quantity of fruit pulp (or fruit purée, or fruit purée and fruit pulp, in the case of a product to which paragraph 1(a) applies), used to manufacture 1,000 grams of the finished product must not be less than—

- (a) 350 grams in the case of any of the following—
  - (i) redcurrants;
  - (ii) rowanberries;
  - (iii) sea buckthorns;
  - (iv) blackcurrants;
  - (v) rosehips; and
  - (vi) quinces;
- (b) 250 grams in the case of ginger;
- (c) 230 grams in the case of cashew apples;
- (d) 80 grams in the case of passion fruit; and
- (e) 450 grams in the case of any other fruit.

**12.** Apart from the ingredients mentioned in paragraph 1, the product must not contain anything else except that it may contain any of the following—

- (a) an authorised additional ingredient;
- (b) citrus fruit juice, in a product obtained from other kinds of fruit;
- (c) red fruit juices, in a product manufactured from any of the following fruits—
  - (i) rosehips;
  - (ii) strawberries;
  - (iii) raspberries;
  - (iv) gooseberries;
  - (v) redcurrants;
  - (vi) plums; and
  - (vii) rhubarb;
- (d) citrus peel; and
- (e) leaves of *Pelargonium odoratissimum*, in a product made from quince.

**13.** Any raw materials used to manufacture the product in accordance with this Part that are mentioned in Schedule 3 must not have been treated except using an authorised treatment.

**14.** The product must have a soluble dry matter content of 55% 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 in respect of which a “reduced sugar” claim is made in accordance with the conditions laid down in Regulation (EC) No 1924/2006;
- (c) those products that, subject to the minimum fruit based component required by paragraph 11(e), are made, as regards that component, using only the unconcentrated pulp of *Malus domestica* “Bramley’s Seedling”; and
- (d) those products that, subject to the minimum fruit based component required by paragraph 11 (as read with regulation 2(4)), are made, as regards that component—
  - (i) partly using a minimum of 225 grams of unconcentrated pulp of *Malus domestica* “Bramley’s Seedling” for every 1,000 grams of finished product; and
  - (ii) partly using unconcentrated pulp of another variety of apples.

**15.** The products to which paragraph 14(c) and (d) relate must have a must have a soluble dry matter content of 50% or more.

## PART 4

### Jelly

**16.** Jelly is an appropriately gelled mixture of—

- (a) sugars and juice of one or more kinds of fruit;
- (b) sugars and aqueous extract of one or more kinds of fruit; or
- (c) sugars and fruit juice of one of more kinds of fruit and aqueous extract of one or more kinds of fruit.

**17.** The quantity of fruit juice, or aqueous extract of fruit, or both, used for the manufacture of every 1,000 grams of the finished product must not be less than—

- (a) 250 grams in the case of any of the following—

- (i) redcurrants;
- (ii) rowanberries,
- (iii) sea buckthorns;
- (iv) blackcurrants;
- (v) rosehips; and
- (vi) quinces;
- (b) 150 grams in the case of ginger;
- (c) 160 grams in the case of cashew apples;
- (d) 60 grams in the case of passion fruit; and
- (e) 350 grams in the case of any other fruit.

**18.** Where aqueous extract of fruit is used in the manufacture of the product, the quantities specified in paragraph 2(a) to (e) must be calculated after deduction of the weight of water used in preparing the aqueous extracts.

**19.** Apart from the ingredients mentioned in paragraph 1, the product must not contain anything else except that it may contain any of the following—

- (a) an authorised additional ingredient;
- (b) citrus fruit juice, in a product obtained from other kinds of fruit;
- (c) red beetroot juice, in a product manufactured from one or more of the following fruits—
  - (i) strawberries;
  - (ii) raspberries;
  - (iii) gooseberries;
  - (iv) redcurrants; and
  - (v) plums;
- (d) citrus peel; and
- (e) leaves of *Pelargonium odoratissimum*, in a product made from quince.

**20.** Any raw materials used to manufacture the product in accordance with this Part that are mentioned in Schedule 3 must not have been treated except using an authorised treatment.

**21.** The product must have a soluble dry matter content of 55% 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 in respect of which a “reduced sugar” claim is made in accordance with the conditions laid down in Regulation (EC) No 1924/2006;
- (c) those products that, subject to the minimum fruit based component required by paragraph 17(e), are made, as regards that component, using only juice or aqueous extract, or both, of *Malus domestica* “Bramley’s Seedling”; and
- (d) those products that, subject to the minimum fruit based component required by paragraph 17 (as read with regulation 2(4)), are made, as regards that component—
  - (i) partly using a minimum of 175 grams of juice or aqueous extract, or both, of *Malus domestica* “Bramley’s Seedling” for every 1,000 grams of finished product; and
  - (ii) partly using juice or aqueous extract, or both, of another variety of apples or kind of fruit.

**22.** The products to which paragraph 21(c) and (d) relate must have a must have a soluble dry matter content of 50% or more.

## PART 5

### Extra jelly

- 23.** Extra jelly is an appropriately gelled mixture of—
- (a) sugars and fruit juice;
  - (b) sugars and aqueous extract of fruit; or
  - (c) sugars and both fruit juice and aqueous extract of fruit.
- 24.** The following fruits must not be mixed with any other fruits in the manufacture of the product—
- (a) apples;
  - (b) pears;
  - (c) clingstone plums;
  - (d) melons;
  - (e) watermelons;
  - (f) grapes;
  - (g) pumpkins;
  - (h) cucumbers; and
  - (i) tomatoes.
- 25.** The quantity of fruit juice, or aqueous extract of fruit, or both, used for the manufacture of every 1,000 grams of the finished product must not be less than—
- (a) 350 grams in the case of any of the following—
    - (i) redcurrants;
    - (ii) rowanberries;
    - (iii) sea buckthorns;
    - (iv) blackcurrants;
    - (v) rosehips; and
    - (vi) quinces;
  - (b) 250 grams in the case of ginger;
  - (c) 230 grams in the case of cashew apples;
  - (d) 80 grams for passion fruit; and
  - (e) 450 grams in the case of any other fruit.
- 26.** Where aqueous extract of fruit is used in the manufacture of the product, the quantities in paragraphs (a) to (e) of paragraph 3 must be calculated after the deduction of the weight of water used in preparing the aqueous extract.
- 27.** Apart from the ingredients mentioned in paragraph 1, the product must not contain anything else except that it may contain any of the following —
- (a) an authorised additional ingredient;
  - (b) citrus fruit juice, in a product obtained from other kinds of fruit;
  - (c) citrus peel; and
  - (d) leaves of *Pelargonium odoratissimum*, in a product made from quince.
- 28.** Any raw materials used to manufacture the product in accordance with this Part that are mentioned in Schedule 3 must not have been treated except using an authorised treatment.
- 29.** The product must have a soluble dry matter content of 55% 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 in respect of which a “reduced sugar” claim is made in accordance with the conditions laid down in Regulation (EC) No 1924/2006;
- (c) those products that, subject to the minimum fruit based component required by paragraph 25(e), are made, as regards that component, using only juice or aqueous extract, or both, of *Malus domestica* “Bramley’s Seedling”; and
- (d) those products that, subject to the minimum fruit based component required by paragraph 25 (as read with regulation 2(4)), are made, as regards that component—
  - (i) partly using a minimum of 225 grams of juice or aqueous extract, or both, of *Malus domestica* “Bramley’s Seedling” for every 1,000 grams of finished product; and
  - (ii) partly using juice or aqueous extract, or both, of another variety of apples.

**30.** The products to which paragraph 29(c) and (d) relate must have a must have a soluble dry matter content of 50% or more.

## PART 6

### Marmalade

**31.** Marmalade is a mixture, brought to a suitable gelled consistency, of—

- (a) water;
- (b) sugars; and
- (c) fruit pulp, fruit purée, fruit juice, fruit peel or aqueous extract of fruit, or any combination thereof, in every case obtained from citrus fruit.

**32.** The quantity of citrus fruit used for the manufacture of every 1,000 grams of the finished product must not be less than 200 grams, of which not less than 75 grams must be obtained from the endocarp.

**33.** The product must have a soluble dry matter content of 50% 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; and
- (b) those products in respect of which a “reduced sugar” claim is made in accordance with the conditions laid down in Regulation (EC) No 1924/2006.

**34.** Apart from the ingredients mentioned in paragraph 1, the product must not contain anything else except that it may contain any of the following—

- (a) an authorised additional ingredient; and
- (b) essential oils of citrus fruits.

**35.** Any raw materials used to manufacture the product in accordance with this Part that are mentioned in Schedule 3 must not have been treated except using an authorised treatment.

## PART 7

### Jelly marmalade

**36.** Jelly marmalade complies with all of the requirements for marmalade in Part 6 but it contains no insoluble matter except that it may contain small quantities of finely sliced peel.

## PART 8

### Sweetened chestnut purée

37. Sweetened chestnut purée is a mixture, brought to a suitable consistency, of water, sugars and puréed chestnuts.

38. Not less than 380 grams of puréed chestnuts must be used for the manufacture of every 1,000 grams of the finished product.

39. The product must have a soluble dry matter content of 50% 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; and
- (b) those products in respect of which a “reduced sugar” claim is made in accordance with the conditions laid down in Regulation (EC) No 1924/2006.

40. Apart from the ingredients mentioned in paragraph 1, the product must not contain anything else except that it may contain an authorised additional ingredient.

41. Any raw materials used to manufacture the product in accordance with this Part that are mentioned in Schedule 3 must not have been treated except using an authorised treatment.

42. In this Schedule “chestnuts” means the fruit of the sweet chestnut tree (*Castanea sativa*).

## SCHEDULE 5

Regulation 13

### Application of other provisions of the Act

<i>Column 1</i> <i>Provision of the Act</i>	<i>Column 2</i> <i>Modifications</i>
Section 3 (presumptions that food intended for human consumption)	In subsection (1), for “this Act” substitute “the Jam and Similar Products (England) Regulations 2013”.
Section 20 (offences due to fault of another person)	For “any of the preceding provisions of this Part” substitute “section 10(2), as applied by regulation 11(1) of the Jam and Similar Products (England) Regulations 2013,”.
Section 21(1) and (5) (defence of due diligence)	In subsection (1), for “any of the preceding provisions of this Part” substitute “section 10(2), as applied by regulation 11(1) of the Jam and Similar Products (England) Regulations 2013,”.
Section 30(8) (which relates to evidence of certificates given by a food analyst or examiner)	For “this Act” substitute “the Jam and Similar Products (England) Regulations 2013”.
Section 33 (obstruction etc of officers)	In subsection (1), for “this Act” (in each place occurring) substitute “the Jam and Similar Products (England) Regulations 2013”.
Section 35(1)(a) and (2) (punishment of offences)	In subsection (1), after “section 33(1) above”, insert “, as applied and modified by regulation 13 of, and Schedule 5 to, the Jam and Similar Products (England) Regulations 2013,”. After subsection (1), insert the following subsection—

(a) Section 35(1) is amended by paragraph 42 of Schedule 26 to the Criminal Justice Act 2003 (c. 44) from a date to be appointed.

“(1A) A person guilty of an offence under section 10(2), as applied by regulation 11(1) of the Jam and Similar Products (England) Regulations 2013, shall be liable, on summary conviction, to a fine not exceeding level 5 on the standard scale.”.

In subsection (2)—

(a) for “any other offence under this Act”, substitute “an offence under section 33(2), as applied by regulation 13 of, and Schedule 5 to, the Jam and Similar Products (England) Regulations 2013.”; and

(b) in paragraph (b), for “the relevant amount”, substitute “the statutory maximum”.

Section 36 (offences by body corporate)

In subsection (1), for “this Act” substitute “section 10(2), as applied by regulation 11(1) of the Jam and Similar Products (England) Regulations 2013.”.

Section 36A(a) (offences by Scottish partnerships)

In subsection (1), for “this Act” substitute “section 10(2), as applied by regulation 11(1) of the Jam and Similar Products (England) Regulations 2013.”.

Section 44 (protection of officers acting in good faith)

For “this Act” (in each place occurring) substitute “the Jam and Similar Products (England) Regulations 2013”.

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### EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations, which apply in England, implement Council Directive 2001/113/EC concerning fruit jams, jellies and marmalades and sweetened chestnut purée intended for human consumption (OJ No L10, 12.1.2002, p 67). They revoke and replace the Jam and Similar Products (England) Regulations 2003 (S.I 2003/3120), as amended.

The Regulations regulate the use of the names jam, extra jam, jelly, extra jelly, marmalade, jelly marmalade and sweetened chestnut purée (regulation 4 and Schedule 4).

They require particulars to be indicated when trading in these regulated products relating to the kinds of fruit used to manufacture the product (regulation 5), its fruit content (regulation 6) and its total sugar content (regulation 7) and make provision in relation to residual sulphur dioxide (regulation 8).

The Regulations make provisions relating to the manner in which the particulars required by these Regulations should be marked or labelled (regulation 9).

The Regulations impose an obligation on food authorities to enforce the Regulations (regulation 10).

The Regulations apply subsections (1) and (2) of section 10 of the Food Safety Act 1990 (1990 c.16) with modifications, enabling an improvement notice to be served to require compliance with specified provisions of these Regulations (regulation 11). The provisions, as applied, make the failure to comply with an improvement notice an offence. In addition, the Regulations apply subsections (1) and (6) of section 37 and section 39 of the Food Safety Act 1990 with modifications, enabling a decision to serve an improvement notice to be appealed (regulation 12).

The Regulations also apply certain other provisions of the Food Safety Act 1990, with modifications (regulation 13 and Schedule 5).

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(a) Section 36A was inserted by paragraphs 7 and 16 of Schedule 5 to the Food Standards Act 1999.

The Regulations also provide for the revocation of certain legislation (regulation 14) and make transitional provisions (regulations 15).

The Regulations require the Secretary of State to review the operation and effect of these Regulations from time to time and to publish a report within five years beginning on 1st October 2013 and within every five years after that (regulation 16). Following a review it will fall to the Secretary of State to consider whether these Regulations should remain as they are, be revoked or be amended. A further instrument would be needed to revoke or amend these Regulations.

A full impact assessment of the effect these Regulations will have on the costs of business, the voluntary sector and the public sector is available from the Food Policy Unit, Department for Environment, Food and Rural Affairs, Nobel House, 17 Smith Square, London SW1P 3JR and is published with the Explanatory Memorandum alongside the Regulations on [www.legislation.gov.uk](http://www.legislation.gov.uk).