



Department  
for Environment  
Food & Rural Affairs

[www.gov.uk/defra](http://www.gov.uk/defra)

# **The Fruit Juices and Fruit Nectars Regulations 2013**

## **Consultation**

**April 2013**

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This document is also available on the consultation tab on our website at:

[www.gov.uk/defra](http://www.gov.uk/defra)

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# Part I – About this consultation

## Topic of this consultation

This consultation is seeking views on new consolidated Fruit Juices and Fruit Nectars (England) Regulations 2013. These are required to implement the new provisions of Council Directive 2012 12/EU relating to fruit juices and certain similar products intended for human consumption.

## Scope of this consultation

Defra is seeking views on the draft Fruit Juices and Fruit Nectars (England) Regulations 2013. All previous rules on fruit juices are being consolidated into these new regulations in a measure to help reduce regulatory burdens on industry.

## Geographical extent

Food is a devolved issue therefore this consultation relates to England only. Scotland, Wales and Northern Ireland will be conducting their own consultations with a view to bringing in analogous legislation.

## Impact Assessment

An assessment of the impacts and the cost and benefits of implementing the provisions of the directive 2012/12/EU in England is considered. The impact assessment is available online at [www.gov.uk/defra](http://www.gov.uk/defra) under all the consultation section.

## Audience

Anyone may reply to this consultation. Defra would like to hear from anyone with an interest in this issue, including industry, local authorities, consumer organisations and the general public.

A list of organisations that we have approached directly for views accompanies this consultation and is available alongside this consultation document at [www.gov.uk/defra](http://www.gov.uk/defra) under our consultation section. However we would welcome views from any interested party or individual.

## Body responsible for the consultation

Defra's Food Policy unit is responsible for this overall consultation.

## Duration

This consultation started on **25 04 2013**

This consultation closes on **06 06 2013**

## How to respond, or make an enquiry

Enquiries and responses may be directed to:

**Fruit Juices and Fruit Nectars Regulations Consultation**

**Food Policy Unit**

**3A Nobel House**

**c/o 17 Smith Square**

**London SW1P 3JR**

**Email:** [fruitjuice@defra.gsi.gov.uk](mailto:fruitjuice@defra.gsi.gov.uk)

## Additional ways to become involved

This a purely written exercise.

## After the consultation

When this consultation ends we intend to put a copy of the responses in the Defra library at Ergon House, London. This is in line with Defra's policy of openness, so that the public may see them. Members of the public can ask for a copy of responses under freedom of information legislation. Copies of the consultation responses to personal callers or in response to telephone or email requests will be supplied by the Defra Information Resource Centre (020 7238 6575), [defra/library@defra.gsi.gov.uk](mailto:defra/library@defra.gsi.gov.uk). Wherever possible, personal callers should give the centre 24 hours notice of their requirements. An administrative charge will be made to cover any photocopying and postage costs.

A summary of the responses to this consultation will also be published and placed on our website at [www.gov.uk/defra](http://www.gov.uk/defra). This summary will include a list of names and organisations that responded but not people's personal names, addresses or other contact details.

If you do not want your response- including your name, contact details and any other personal information to be publicly available, please say so clearly in writing when you send your response to the consultation. Please note, if your computer automatically includes a confidentiality disclaimer, that won't count as a confidentiality request.

Please explain why you need to keep details confidential. We will take your reasons into account if someone asks for this information under freedom of information legislation. But, because of the law, **we cannot promise that we will always be able to keep those details confidential.**

If you have any comments or complaints about the consultation process please address them to:

**Defra Consultation Co-ordinator**

**Area 2D, Ergon House**

**17 Smith Square**

**London SW1P 3JR**

**Email: [consultation.coordinator@defra.gsi.gov.uk](mailto:consultation.coordinator@defra.gsi.gov.uk)**

# Part II

## Background

The Government is committed to simplifying regulation and reducing regulatory burdens on business where possible. Under the Hospitality, Food and Drink theme of the Red Tape Challenge Defra committed to consolidate existing fruit juices and fruit nectars legislation to simplify the regulatory landscape for businesses when implementing new EU rules on this policy area which will benefit UK businesses. The UK has until 28 October 2013 to implement the new provisions of Council Directive 2012/12/ EU, which was adopted in April 2012. The new rules revise and update the provisions in the parent directive 2003/112/EC and its amending directive 2009/106/EC. Transposition of the new revisions into a Statutory Instrument (SI) is necessary in the UK. In addition to help reduce burdens on business all existing fruit juice rules are being consolidated into a single SI. Furthermore the existing rules have been reviewed to remove any gold plating and copy out has been used as the norm and their structure has been significantly reviewed and revised to make it easier for business to follow. Revised guidance to accompany the new Regulations will also be prepared to aid compliance.

## EU rules on fruit juice

Council Directive 2001/112/EC relating to fruit juices and similar products lays down rules governing the composition and labelling of these products and has been implemented into English law by the Fruit Juices and Fruit Nectars (England) Regulations 2003. The Regulations lay down product definitions and reserved names by which juices and nectars can be called. Conditions for juice manufacture are also controlled by laying down permitted raw materials and treatments and limiting the amount of ingredients and additives.

A new worldwide Codex<sup>1</sup> standard on fruit juice was agreed in 2005 and as a consequence the Commission and its Member States recognised that existing European rules may also need to be updated to bring it in line with changes in Codex and also to take account of technical progress in fruit juice processing. It was also recognised that there were aspects of the directive where clarity could be improved to ensure consistent interpretation across the EU.

Commission Directive 2009/106/EC dealt with measures which could be changed via comitology procedures and was implemented by the Fruit Juices and Fruit Nectars (England) (Amendment) Regulations 2011. This introduced new minimum Brix<sup>2</sup> levels for fruit juices from concentrate largely in line with Codex and made a minor linguistic

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<sup>1</sup> Codex is an FAO/WHO which develops harmonised international food standards, guidelines and codes of practice to protect the health of the consumers and ensure fair trade practices in the food trade. It promotes coordination of all food standards work undertaken by international governmental and non-governmental organizations.

<sup>2</sup> Brix values provide a measure of quality by setting minimum soluble solids (sugar content) for fruit juices.

change to the naming of mixed juices. A second set of more detailed amendments under the Ordinary Legislative Procedure, (formerly co-decision) was put forward and adopted as Council Directive 2012/12/EU in April 2012

### **Council Directive 2012/12/EU**

The revisions represent a good deal for the UK fruit juice industry and helpfully include a number of UK priorities. This includes the move to optional restoration of aromas, prohibiting sugar from being added to juices and allowing a new category of juice to take account of products like prune juice. Other changes are including tomato juice within the scope, permitting the freezing of fruit and allowing puree to be categorised as a juice for the purposes of the rules.

Indeed the successful retention of some aspects of the current Directive has also been important. Particularly the continued distinction between “fruit juice” and “fruit juice from concentrate”, terms with which the consumer is now familiar and prevention of moves to allow the addition of mandarin juice to orange juice without indicating this on the label. Overall the Directive can be seen to be a positive change which will ultimately help improve matter for UK business while maintaining consumer protection and providing an improved labelling and choice.

Industry has welcomed the changes and the British Soft Drinks Association (BSDA) said that the “new rules will provide consumers with a broader range of clearly labelled, high quality and authentic products to meet changing tastes”. Crucially it provides improved legal clarity surrounding the restoration of aromas to juices which is now optional rather than mandatory, an issue which had been of particular concern to the industry because of the lack of availability of many aromas.

## **The New Regulations (SI)**

### **Key Changes in the 2013 Regulations**

The most substantial changes are as a result of Directive 2012/12EU and are highlighted below:

- 1) **Processing methods**
  - a) Move from mandatory to optional restoration of aromas to fruit juice and fruit juice from concentrate in line with Codex.
  - b) Permitting a new category of juice called water extracted fruit juice (juice produced by the diffusion of water with pulpy whole fruit or dehydrated whole fruit) in line with Codex
  - c) Permitting the freezing of fruit as an approved method of preservation and clarification
  
- 2) **Sugar Prohibition**
  - a) Prohibition of sugar addition to fruit juices
  - b) Prevention of ‘no added sugar’ claims on fruit juices.



- c) Optional use of clarifying text to educate consumers for a time limited period that in the future fruit juice will no longer contain added sugar.
- d) Prevention of the use “no added sugar claims” on nectars containing added sweeteners.
- e) Lowering of Brix values for blackcurrant, guava, mango and passion fruit to those laid down in Codex.

### 3) **Labelling**

- a) Requirement for the product name to reflect the fruits represented in the ingredients list.
- b) Inclusion of tomatoes in the list of fruits used in fruit juice production.
- c) To amend the definition of fruit juice to clarify that the use of fruit purees is acceptable in juice production and can be regarded as “juices” for the purposes of the directive.

### 4) **Other Measures**

The new directive introduces a number of small technical adaptations and linguistic improvements not listed above. These include a new definition of flavour and a reference to the water directive in relation to reconstitution of ‘from concentrate’ fruit juices. These changes are unlikely to incur costs but are important as they provide further clarity and will help facilitate interpretation and avoid future areas of dispute.

### **Proposed changes to the Enforcement Provisions in the new Regulations**

In line with Ministry of Justice guidance changes to the existing enforcement regime is proposed. This will see a move away from the existing frontline criminal sanctions to a more proportionate and targeted regime using improvement notices. Escalation to a criminal offence would happen only on failure to comply with an improvement notice, with an offender being liable, on summary conviction, to a fine not exceeding level 5 on the standard scale of fines. Businesses will have the opportunity to appeal against an improvement notice to the First-tier Tribunal. The Tribunal Procedure (First-tier Tribunal) (General Regulatory Chamber) Rules 2009 can be found here;

<http://www.justice.gov.uk/downloads/tribunals/general/consolidated-TPFTT-GRC-Rules2009-6-04-12.pdf>.

A more proportionate enforcement procedure is expected to benefit businesses with the reduced costs and time savings to businesses in resolving the issues more quickly. It is envisaged that most cases will be resolved through compliance with the improvement notice and only those not complied with will need to be escalated to a Magistrates Court. There is also a benefit to Government with anticipated gains from reduced court costs as the number of hearings will be reduced as issues will be resolved through issuing Improvement Notices and time savings for enforcement officers in resolving the issues more quickly instead of preparing for a court case.

### **Consolidation, Copy Out and Simplification**

The rules on fruit juice are being consolidated into one single SI in line with Defra's RTC commitments. This will help reduce burdens for business by needing to refer to only one set of rules. The existing regulations have been reviewed and compared with the text of the directive 2001/112/EC and 2009/ EC and any gold plating identified has been removed and the text of the original directive used. See Annex 2 of the Impact Assessment for full details of these changes.

When implementing the requirements of directives 2009/106/EC and 2012/12/EU copy out has been used as the norm in line with Government policy to avoid over implementation.

The new SI has also been restructured and simplified to make it easier for those needing to refer to the legislation to follow. A specification for each of the regulated products has been created in order for businesses to immediately identify the requirements for the products they are interested in i.e. fruit juice, fruit juice from concentrate etc.

This consultation seeks views on these changes. The Impact Assessment discusses our estimates of the impacts and costs and benefits of the changes highlighted above in further detail. These changes have been incorporated into a new SI. We are seeking the views of all interested parties on the new SI.

## Affected Groups

There will be four main groups affected:

- Businesses manufacturing, processing, and retailing fruit juices will be the main groups affected, principally in terms of the changes to composition and labelling requirements and familiarisation with the amended Directive.
- Local Authority Trading Standards officers will also need to familiarise themselves with the changes to legislation arising from the proposal;
- Her Majesty's Court and Tribunals Service (HMCTS), through potential changes in court business and new business for the First-tier Tribunal; and
- Consumers will be affected by the labelling changes but quality will be protected through the retention of minimum standards.

## Discussion of the changes

### 1. Processing methods

#### a) Move from mandatory to optional restoration of aromas

The current EU rules require mandatory restoration of aromas which are lost during fruit juice production. The rules also stress that juices should be representative of an average juice. However there is no specific definition of what constitutes an average juice and indeed the levels of aromas that should be present. In many cases aromas for many fruits

are either unavailable or are of too poor quality to add back. For many of the tropical juices aromas are not recovered in sufficient quantities and many fruits such as pomegranate and cranberry also have little or no available aromas. The UK juice market is also unique in having a large economy sector, where and for reasons of competitive product pricing and consumer demand, it is desirable not to have to add back high value aromas. The flexibility of adding back aromas as appropriate to the product will remove any compliance problems and importantly ensure that juices remain affordable particularly at the value and economy end. Overall this change will benefit fruit juice manufacturers by allowing for more product diversification and better brand identity. The Impact Assessment discusses the costs and benefits of this change more fully but it is likely that some costs savings will be realised by business with this change.

(b) Permitting a new juice category – ‘water extracted fruit juice’

A new reserved description has been added to allow juice products obtained through a water extraction process of a dried fruit to be able to be legally marketed as a juice. The current Directive contains no provision for a juice obtained by the process of water extraction of a dried fruit. This has caused compliance problems for juices sold in the UK as ‘prune juice’ since under the terms of the Directive the reserved description ‘x juice’ relies on the use of fruit that is ‘fresh, or preserved by chilling’ for the juicing process. Fruit preserved by dehydration is not covered, probably due to the fact that prune juice is a relatively new product that was not common in the EU when the Directive was being negotiated in 2001. However prune juice has become more popular and the new reserved description provides for its recognition as a juice. However it should be noted that term ‘water extracted X juice’ is the legal name and must be used to accurately reflect its method of processing rather than ‘X juice’.

c) Permitting freezing of fruit as an approved method of preservation

This amendment will allow the use of frozen fruit in fruit juice production. This is helpful to industry and recognises the technological need to allow the freezing of some fruits for practical reasons, particularly where processing facilities don’t exist near the fruit farms in some developing countries. It will also help with juice availability of certain seasonal fruits and reduce wastage of fruit.

## **2) Sugar Prohibition**

a) Sugar will no longer be permitted to be added to fruit juice

b) ‘No added sugar’ claims will no longer be valid for use on fruit juices

c) Optional use of clarifying text to educate consumers for a time limited period that in future fruit juice will no longer contain added sugar

The proposal by the EU to no longer allow the addition of sugar to fruit juice is in line with the Codex standard on juices and also in line with UK Government policy on reducing fat, sugar and salt intakes. However, it is not generally common practice for the UK fruit juice

industry to add sugar to juices except in a very small number of cases such as in some grapefruit products. At present sugar is permitted to be added to juices and nectars but for juice its addition needs to be highlighted both in the product name and by an indication of the amount added. To a certain extent there is already a disincentive for industry to add sugar to juices as it needs to be so prominently highlighted to the consumer.

Prohibiting the addition of sugar to juices however also has consequences for labelling of juices as industry will no longer be able to make “no added sugar” claims on any juices at all. This is because it would contravene food labelling rules by suggesting that a juice possesses special characteristics (i.e. no added sugar) when in fact no juices will contain any added sugars. UK industry has been supportive of prohibiting adding sugar to juice but would have preferred to be able to continue to make use of “no added sugar” claim on the label. However it accepts this is not possible within the context of food labelling rules. There may be relabeling costs associated with this measure and these are estimated more fully in the accompanying IA.

In recognition that consumers may be confused by the sudden disappearance of these claims overnight the directive provides for manufacturers to alert consumers by the use of a time limited factual statement that “From 28 April 2015 no fruit juices contain added sugars”. Its use is entirely voluntary but if used it must appear in the same field of vision as the name of the product and can only be used until 28 October 2016. It is also possible that some retailers may look to use this to educate consumers that fruit juice will no longer contain added sugar but it remains to be seen whether business will make use this optional statement.

d) Prevention of the use “no added sugar claims” on nectars containing added sweeteners.

Although the addition of sugar (and honey) to fruit juice is now prohibited, sugar, honey and sweeteners are still permitted to be added to fruit nectars. The new rules, however, additionally prevent the use of “no added sugar” claims on nectars containing sweeteners. This goes against the UKs interpretation on the use of “no added sugar” claims in products containing added sweeteners. While the UK was against this in principle it accepted the European Parliament’s insistence that a special case for nectars was needed, but along with a number of other MSs a statement at Council was secured which provided assurance that this was an isolated decision pertaining to fruit nectars which should not set a precedent or prejudice any future discussions on the use of “no added sugar” claims in other products containing added sweeteners. Nectars are not common in the UK and therefore this decision should not significantly affect UK business.

e) Reversion to the Codex Brix values for blackcurrant, guava, mango and passion fruit juices from concentrate.

The most recent amendment to the Fruit Juice Directive in 2009 introduced minimum Brix levels for a range of fruit juices from concentrate. For four of the fruits, blackcurrant, guava, mango and passion fruit, the minimum Brix levels set by the EU were higher than those in the Codex standard as the figures reflected European industry practices. Setting

higher Brix levels was in response to European manufacturers working to higher levels which are representative of EU manufacturing practices. This was a protective measure for EU suppliers to keep out lower Brix juices (and lower quality) but the European Parliament was particularly concerned by these differences and felt there were possible trade advantages for non-EU products working to the lower minimum Brix levels in the Codex standard. As a result, the Directive has been amended so that the Brix levels for blackcurrant, guava, mango and passion fruit are aligned with the Codex Standard.

This change leaves industry with two potential choices. They may choose to reformulate slightly as working with the lower Brix level will allow them to add slightly less fruit concentrate but still meet the existing nutritional and Quantitative Ingredient Declaration (QUID) declarations on pack. Alternatively, they can adjust their labels to increase the QUID percentage of fruit as they will base their calculations on the lower minimum Brix. Initial indication from industry suggest that reformulation is likely be their route of choice as this avoids any need to amend labels and they will be able to avail themselves of a small cost saving.

### **3) Labelling**

a) Requirement for the product name to reflect the fruits represented in the ingredients list.

The new rules tighten existing requirements regarding the naming of mixed juices. The product name must now correspond with their order in the ingredients list. So if a product is composed of grape (90%), apple (7%) and mango (3%) then the product name must be Grape, Apple and Mango Juice rather than any other combination. The previous requirement was rather more loosely worded and required supplementation of the product name with the juices used. This should provide better information for consumers and more consistency in labelling across mixed juice products. In the UK this is already common practice and should not result in significant change for business.

b) Inclusion of tomatoes in the list of fruits used in fruit juice production.

Tomato has been added to the list of fruits covered by the directive meaning that tomato juices will be subject to the same specific rules as other fruit juices. This was requested by the industry and a measure they support.

Tomato juice accounts for around 9.7 million litres of the UK juice market. The inclusion of tomato juice within the Directive will generally be cost neutral for juice suppliers as industry already adheres to an industry code of practice which is very similar to the requirements of the directive. Most tomato juice products are already labelled in accordance with the directive for consistency on the shelf with other juice products in any given branded range. Industry estimates that around 90% of products are already compliant. The remaining 10% may need to alter their labels or reformulate which accounts for around 3 products costing  $3 \times \text{£}1800 = \text{£}5,400$  (or  $\text{£}630$  EAC)

Products labelled as containing tomato juice as an ingredient or packed using tomato juice may need to check that the juice complies and there may be a small number of products that will need to be reformulated or relabelled. This cost has not been taken into account but it is more likely to affect the EU suppliers of tomato based products.

c) To amend the definition of fruit juice to clarify that the use of fruit puree is acceptable in juice production

This is a small but significant change and clarifies that mixed juices prepared using fruits which are only available as purees can be called juices. Some fruits such as mango and banana exist only in puree form but are often used in blended juices. The distinction between some juices and purees is unclear in the existing directive and this change clarifies the situation providing certainty regarding their usage in juice production. For example, this will allow a product to be called “Orange and mango juice” rather than orange juice and mango puree.

## Objectives for intervention

Government intervention is necessary in order to transpose Council Directive 2012/12/EU into our national law which needs to be done by way of updating existing rules on fruit juices and nectars. Failure to transpose Directive 2012/12/EU may result in the European Commission taking infraction proceedings against the UK, a course of action which could be costly and which we would want to avoid. Implementation is in the interests of the UK as it allows business to compete on an equal basis with the rest of Europe. It will also ensure consumers are protected by guaranteeing a minimum fruit juice quality. The opportunity to consolidate existing rules on fruit juice into a new single Statutory Instrument is also being taken and is in line with Defra’s RTC commitments to reduce regulatory burden on industry. The number of regulations on fruit juice will decrease to one, making it easier for industry and enforcement authorities by having all the fruit juice rules together in one set of Regulations.

## Summary of Options

**Baseline** - Do nothing. Failure of the UK to update the Fruit Juices and Fruit Nectars (England) Regulations 2003 to align them with Council Directive 2012/12/EU would constitute a failure to comply with our EU obligations. It may lead to infraction proceedings being brought about by the European Commission and a hefty fine. This would also leave UK industry at a competitive disadvantage against other Member States and industry would not benefit from many of the favourable changes which have been already welcomed by fruit juice manufacturers. Business would not benefit from consolidation measures and removal of gold plating.

**Option 1** – Is our preferred option. This introduces the changes required by Council Directive 2012/12/EU and consolidates all existing Fruit Juice Regulations into a single Fruit Juice SI for England. This provides consistency for business and ensures consumers are guaranteed a minimum quality product within the EU. Consolidation will ensure the rules on fruit juice are brought together in one place making it easier for manufacturers and enforcement officials who need to refer to the legislation. The majority of changes are

favourable to the UK particularly the move from compulsory to optional restoration of aromas to juice. Ambiguity around how much and what aromas should be present had caused trade difficulties (particularly with Germany) so the flexibility of adding back aromas as appropriate to the product will remove the current compliance problems. This is particularly the case for fruit juices like pineapple, where adding back aromas would be detrimental to the taste, and many tropical juices, where the aromas are unavailable. This move is also in line with the international Codex fruit juice standard which opts for optional restoration of aromas.

**Option 1** is our preferred option as it introduces a level playing field for UK industry and allows them to take advantage of several beneficial changes to the EU rules on fruit juices and nectars. It also ensures we fully meet our all our European obligations.

## Overall Costs and benefits of the changes

The main costs and benefits of the new Regulations proposed are discussed more fully in the Impact Assessment accompanying this consultation. In summary these new measures are likely to benefit business with potential total annual cost savings of between £1.28 to £5.43 million. This saving is primarily due to the relaxation in the rules relating to restoring aromas to juices. The following monetised costs are estimated as follows:

- A one-off familiarisation cost for the industry which amounts to £3,809 (Prevent Value (PV)) and Equivalent Annual Cost (EAC) £442.
- It is estimated that around 10 grapefruit juice manufacturers will face the relabelling costs of about £18,000 (PV) due to prohibition of added sugar to fruit juices in the new regulation (EAC £2,091).
- Manufacturers with product lines with misleading descriptor 'no added sugar' will have to relabel in order to remove the descriptor which will incur a lump-sum cost of about £850,000 (PV) to the industry (EAC £98,749).
- Manufacturers of water-extracted juices will also face a relabelling cost of about £10,800 in order to label their product as 'water-extracted juice' (EAC 1,255).
- Manufacturers of tomatoes will face a relabelling cost of about £5,400 (EAC £630) in order that their product is included in the list of fruits used in fruit juice production.
- The key monetised benefit will be to the manufacturers producing juice in the ambient private category. Using the assumption that 80% of the manufacturers will make a saving by not restoring aromas, the industry for this category may see benefits between £11,913,038 (PV) and £47,652,153 (PV). In equivalent annual terms the benefits will be between £1,384,000 and £5,536,000.

## Enforcement

The existing regulations are enforced by trading standards officers in local authorities and by environmental health officers in the London boroughs. Similar resources in terms of

enforcement are envisaged for the new Regulations. However a move to a new more proportionate approach to enforcement is being proposed in line with other recently altered food legislation. This involves moving away from existing frontline criminal sanctions to the use of improvement notices. Escalation to a criminal offence would happen only if there is failure to comply with an improvement notice, with an offender being liable, on summary conviction, to a fine not exceeding level 5 on the standard scale of fines. Businesses will have the opportunity to appeal against an improvement notice to the First-tier Tribunal.<sup>3</sup> It is envisaged enforcement activity will remain the same.

## Questions asked as part of this consultation

### Assumptions

#### Consultation Question 1

Stakeholders are invited to comment on whether the assumptions in the IA are reasonable?

#### Move from mandatory to optional restoration of aromas in line with Codex

#### Consultation Question 2

Are there any other costs associated with this change? How much does it cost to change a recipe? Is it one off cost?

#### Consultation Question 3

With the restoration of aromas no longer being mandatory would all the value range manufacturers choose not to restore and vice versa for the high-end range?

#### Consultation Question 4

Is the estimated range of cost of restoring aromas per litre accurate? Is the assumption that 80% of ambient and private label from concentrate juice will re-introduce aromas reasonable?

#### Consultation Question 5

- Are these figures a true reflection of the likely costs?
- Are there other costs associated with this change that we have not captured?

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<sup>3</sup> The Tribunal Procedure (First-tier Tribunal) (General Regulatory Chamber) Rules 2009 can be found at <http://www.justice.gov.uk/downloads/tribunals/general/consolidated-TPFTT-GRC-Rules2009-6-04-12.pdf>



- Are there other benefits associated with this change?

## **Permitting a new juice category - “water extracted fruit juice”**

### **Consultation Question 6**

Have we fully accounted for in the IA the number of water extracted products affected?

## **Permitting freezing of fruit as an approved method of preservation**

### **Consultation Question 7**

We would be interested to any details of cost savings and how many products are likely to benefit from this option?

## **Prohibition of sugar addition to fruit juices**

### **Consultation Question 8**

Please provide any further details on the number of grapefruit or other products which may be affected?

## **Prevention of ‘no added sugar’ claims**

### **Consultation Question 9**

- We would be interested to know if the costs in the IA a reasonable estimate of relabelling?
- We would be interested to know how many products are likely to be relabelled and over what time period.
- We would be interested to know how many products are likely to be reformulated and over what time period.

## **Voluntary labelling initiative**

### **Consultation Question 10**

We would be interested to know if any companies are likely to take up the voluntary labelling option and how many products might include this additional statement and any associated costs?

## **Reversion to the Codex Brix values for blackcurrant, guava, mango and passion fruit juices from concentrate**

### **Consultation Question 11**

Could you provide an estimate of the number of products affected and any costs associated with a relabelling route?

#### **Consultation Question 12**

Could you provide an estimate of the number of products affected and any cost savings to industry if choosing to reformulate and use less fruit ingredient?

### **Requirement for the product name to reflect the fruits represented in the ingredients list**

#### **Consultation Question 13**

Could you provide an estimate of how many products may need to be relabelled or reformulated?

### **Inclusion of tomatoes in the list of fruits used in fruit juice production**

#### **Consultation Question 14**

Could you provide an estimate of the number of products that might be to be relabelled or reformulated?

### **Enforcement regime – Move to civil sanctions, the First Tier Tribunal and use of improvement notices**

#### **Consultation Question 15**

Do you consider the General Regulatory Chamber of the First - tier Tribunal to be appropriate for these appeals? Please give reasons for your response.

#### **Consultation Question 16**

Do you consider that the rules of the General Regulatory Chamber of the First-tier Tribunal will suit the handling of these appeals against Improvement Notices for the Food Information Regulations 2013? If not, why not? Please give the specific rule changes that you propose and your reasons for doing so.

#### **Consultation Question 17**

In what way would an Improvement Notice approach benefit your business and/or the sector in general? Can you quantify any savings that may be realised?

#### **Consultation Question 18**

In what way would an Improvement Notice approach benefit enforcement officers in general? Can you quantify any savings that may be realised?

### **Consolidation, Gold Plating and Copy Out**

## Consultation Question 19

Do you agree that costs and benefits in relation to consolidation, gold plating and copy out are minimal?

## Next Steps

The consultation process is being used to gather further evidence and test the assumptions and cost estimates identified in the impact assessment. We want to hear from business, enforcement authorities and other interested parties about what impact the proposed changes to the fruit juice rules might have on them. We would appreciate, where possible, details of costings to enable us to monetise the costs and benefits as much as possible. We would also appreciate any comments on the new structure of the SI and whether it is helpful or where improvements could be made. We will also be updating our guidance notes to the Regulations in the light of the new requirements and the new structure. We will seek your comments on these separately.

Following completion of this consultation Ministers will make a final decision based on the responses to this consultation. The Government's overarching Reducing Regulation Committee (RRC) will need to agree the final recommendations before any new Regulations are made.

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