

# FOOD STANDARDS AGENCY NORTHERN IRELAND CONSULTATION

## TITLE: THE JAM AND SIMILAR PRODUCTS REGULATIONS (NORTHERN IRELAND) 2018

### CONSULTATION SUMMARY PAGE

<b>Date consultation launched:</b>	<b>Closing date for responses:</b>
13 <sup>th</sup> December 2017	29 <sup>th</sup> January 2018

#### Who will this consultation be of most interest to?

Any food business operator concerned with the manufacture of jam and similar products. Also related retailers, importers, enforcement authorities and trade associations.

#### What is the subject of this consultation?

Draft Regulations to revoke and replace the Jam and Similar Products Regulations (Northern Ireland) 2003 (“the 2003 Regulations”). The draft Regulations will replace the out-dated references to the Food Labelling Regulations (NI) 1996 (FLR) and introduce improvement notice provisions for non-compliance.

#### What is the purpose of this consultation?

To provide stakeholders with an opportunity to comment on the draft Regulations at Annex B. The Regulations are based on the proposed preferred option of revoking and replacing the 2003 Regulations to replace the out of date reference to FLR and introduce improvement notice provisions for non-compliance.

#### Responses to this consultation should be sent to:

**Name:** Louise Beggs

**Division/Branch:** Executive Support Unit

**FOOD STANDARDS AGENCY IN  
NORTHERN IRELAND**

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<b>Is an Impact Assessment included with this consultation?</b>	<b>Yes</b> <input type="checkbox"/>	<b>No</b> <input checked="" type="checkbox"/> <b>See Q1 on page 3 for details.</b>
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# THE JAM AND SIMILAR PRODUCTS REGULATIONS (NORTHERN IRELAND) 2018

## DETAIL OF CONSULTATION

### Introduction

1. The Food Standards Agency in Northern Ireland would welcome your comments on the draft Jam and Similar Products Regulations (NI) 2018 (see Annex B). The purpose of the draft Regulations is to -
  - Correct an out-dated reference to the FLR; and
  - Allow enforcement officers to issue improvement notices for non-compliance.

### Proposals

The options being considered are:

2. Do nothing. Allow the 2003 Regulations to remain in place with incorrect references to the FLR. This option may cause unintentional non-compliance by businesses making jam and similar products and cause confusion for district councils enforcing the 2003 Regulations.
3. Revoke and replace the 2003 Regulations to update references to the FLR and take this opportunity to bring the jam regulations in line with other food composition and labelling regulations by introducing improvement notice provisions for non-compliance.

#### **Key proposal(s):**

- **Revoke and replace the 2003 Regulations**
- **Remove and replace references to the FLR**
- **Introduce improvement notices provisions for non-compliance.**

### Background

4. Currently domestic rules in this area are provided by the 2003 Regulations. The 2003 Regulations implement Council Directive 2001/113/EC. The Directive lays down compositional standards which products must meet to be labelled as “jam”, “jelly”, “marmalade” etc. (i.e. products must contain a minimum amount of characterising ingredients such as fruit and sugar).
5. Currently, the 2003 Regulations refer to the labelling requirements of the FLR. However, the FLR were revoked by the Food Information Regulations (Northern Ireland) 2014 (FIR). The references to the FLR in the 2003 Regulations therefore need to be revoked and, where necessary, replaced by references to FIR.
6. Most of the references to FLR in other food-related regulations were removed by FIR in 2014. It was decided at the time not to use FIR to remove the reference to FLR from the 2003 Regulations. The rationale at that time was that a consultation was being undertaken by FSA Northern Ireland to make a separate SR to amend the 2003 Regulations, and it was intended to use those amendment Regulations to correct the references to the FLR. In the event, those amendment Regulations were never made, effectively retaining the incorrect references to FLR in the 2003 Regulations.

## Enforcement

7. The SR provides an opportunity to bring the jam regulations in line with other food labelling and compositional Regulations by introducing improvement notice provisions for non-compliance.
8. Improvement notices would be used as part of the hierarchy of enforcement, when informal measures are no longer appropriate and the contravention or issue should be elevated to formal enforcement action. If the conditions set by an improvement notice are not met then the non-compliance with those conditions will be a criminal offence. Businesses will have the opportunity to appeal against an improvement notice; appeals will be heard by the magistrates' court.

## Consultation Process

9. A six-week consultation is being launched to provide interested parties with the opportunity to comment on these proposals. A full twelve-week consultation is not deemed necessary in this case as the proposed amendment only corrects a technical reference to FLR and introduces improvement notices which are already widely used in food legislation.
10. We are particularly keen to hear from Small and Medium Enterprises (SMEs) on any likely impact and would encourage them to comment on all aspects of the proposal.
11. Any responses received as part of this consultation will be given careful consideration and a summary of the responses received will be published on our website within three months of publication of the regulation.
12. These Regulations will apply in Northern Ireland only. A separate, similar consultation is currently taking place in Wales.

## Consultation Questions

### Questions:

**Q1: We are not conducting an Impact Assessment as we don't believe there will be an impact on businesses or district councils. We would like to request that any businesses or district councils who feel they may be impacted by the change in regulations please respond to the consultation.**

**Q2: We invite stakeholders including enforcement authorities to comment on the enforcement proposals as outlined within this consultation package.**

## Other relevant documents

13. The Jam Directive can be found here <http://eur-lex.europa.eu/legal-content/EN/TXT/?qid=1505397035839&uri=CELEX:02001L0113-20131118> .

## Responses

14. **Responses are required by close 29<sup>th</sup> January 2018.** Please state, in your response, whether you are responding as a private individual or on behalf of an organisation/company (including details of any stakeholders your organisation represents). Please see Annex A for our standard consultation information.

**Thank you on behalf of the Food Standards Agency in Northern Ireland for participating in this public consultation.**

Yours,



**Louise Beggs  
Executive Support Unit  
FSA in NI**

- Annex A: Standard Consultation Information**
- Annex B: The Draft Jam and Similar Products Regulations (NI) 2018**
- Annex C: List of interested parties**

### Publication of personal data and confidentiality of responses

1. In accordance with the FSA principle of openness we shall keep a copy of the completed consultation and responses, to be made available to the public on receipt of a request to the FSA Consultation Coordinator (020 7276 8308). The FSA will publish a summary of responses, which may include your full name. Disclosure of any other personal data would be made only upon request for the full consultation responses. If you do not want this information to be released, please complete and return the Publication of Personal Data form, which is on the website at <http://www.food.gov.uk/multimedia/worddocs/dataprotection.doc> Return of this form does not mean that we will treat your response to the consultation as confidential, just your personal data.

2. In accordance with the provisions of Freedom of Information Act 2000/Environmental Information Regulations 2004, all information contained in your response may be subject to publication or disclosure. If you consider that some of the information provided in your response should not be disclosed, you should indicate the information concerned, request that it is not disclosed and explain what harm you consider would result from disclosure. The final decision on whether the information should be withheld rests with the FSA. However, we will consider your views when making this decision.

3. Any automatic confidentiality disclaimer generated by your IT system will not be considered as such a request unless you specifically include a request, with an explanation, in the main text of your response.

Further information

4. A list of interested parties to whom this letter is being sent appears in Annex C. Please feel free to pass this document to any other interested parties, or send us their full contact details and we will arrange for a copy to be sent to them direct.

5. Please contact us if you require this consultation in an alternative format such as Braille or large print.

6. This consultation has been prepared in accordance with HM Government consultation principles<sup>1</sup>.

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<sup>1</sup> <https://www.gov.uk/government/publications/consultation-principles-guidance>

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STATUTORY RULES OF NORTHERN IRELAND

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**2018 No.0000**

**FOOD**

**The Jam and Similar Products Regulations (Northern Ireland)  
2018**

*Made* - - - - *0th Month 2018*

*Coming into operation* - *0th Month 2018*

The Department of Health<sup>(a)</sup> makes the following Regulations in exercise of the powers conferred by Articles 15(1)(e), 16(1), 25(1), 2(e) and (3), 26(3), 32(1) and 47(2) of the Food Safety (Northern Ireland) Order 1991<sup>(b)</sup> and paragraph 1A of Schedule 2 to the European Communities Act 1972<sup>(c)</sup>.

These Regulations make provision for a purpose mentioned in section 2(2) of the European Communities Act 1972 and it appears to the Department of Health, Social Services and Public Safety that it is expedient for any reference in the following Regulations to a European Union instrument referred to in regulation 2(3) or Schedule 1 to be construed as a reference to that instrument as amended from time to time.

In accordance with Article 47(3A) of that Order, it has had regard to relevant advice given by the Food Standards Agency.

As required by Article 9 of Regulation (EC) No 178/2002<sup>(d)</sup> 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, there has been open and transparent public consultation during the preparation and evaluation of these Regulations.

**Citation and commencement**

**1.** These Regulations may be cited as the Jam and Similar Products Regulations (Northern Ireland) 2018 and come into operation on 0th Month 2018.

**Interpretation**

**2.—(1)** In these Regulations—

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(a) Formerly the Department of Health, Social Services and Public Safety; see 2016 c.5 (N.I.), section 1  
(b) S.I. 1991 No. 762 (N.I.7) as amended by S.I. 1996/1663 (N.I.12), paragraphs 26 to 42 of Schedule 5 and Schedule 6 to the Food Standards Act 1999 c.28 and S.R. 2004 Nos. 482 and 505  
(c) 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)  
(d) OJ No L 31, 1.2.2002, p 1, last amended by Regulation (EU) No 652/2014 of the European Parliament and of the Council (OJ No L 189, 27.6.2014, p 1)

“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 1 which, where there are restrictions in the Schedule, is used as specified in that Schedule;

“authorised treatment” means a treatment specified in Schedule 2;

“Directive 2001/111/EC” means Council Directive 2001/111/EC(a) relating to certain sugars intended for human consumption;

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

“EEA State” means a Member State of the European Union, Norway, Iceland and Liechtenstein;

“free circulation” has the same meaning as in Article 24 of the Treaty establishing the European Union;

“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” means the natural sweet substance produced by *Apis mellifera* bees from the nectar of plants or from secretions of living parts of plants or excretions of plant-sucking insects on the living parts of plants which the bees collect, transform by combining with specific substances of their own, deposit, dehydrate, store and leave in honeycombs to ripen and mature;

“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;

“Member State” means a State which is a member of the European Union;

“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 3 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 3;

“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;

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- (a) OJ No L 10, 12.1.2002, p 53, last amended by Regulation (EU) No. 1021/2013 of the European Parliament and of the Council (OJ No L 287, 29.10.2013, p 1)
- (b) OJ No L 10, 12.1.2002, p 67, last amended by Regulation (EU) No 1121/2013 of the European Parliament and of the Council (OJ No L 287, 29.10.2013, p 1)
- (c) OJ No L 304, 22.11.2011, p 18, last amended by Commission Delegated Regulation (EU) No 78/2014 (OJ No L 27, 30.1.2014, p 7)
- (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)



“Regulation (EC) No 1333/2008” means Regulation (EC) No 1333/2008(a) 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 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;

“sugar” means any of the following—

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

“the Order” means the Food Safety (Northern Ireland) Order 1991.

(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:

- (i) Council Directive 2001/110/EC
- (ii) Council Directive 2001/111/EC;
- (iii) Regulation (EC) No 1924/2006;
- (iv) Regulation (EC) No 1333/2008; or
- (v) Regulation (EU) No 1169/2011;

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.

(5) The Interpretation Act (Northern Ireland) 1954(c) applies to these regulations as it applies to an Act of the Assembly.

### **Scope**

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

(2) These Regulations do not apply to a product traded using a name listed in column 1 of Part 2 of the table in Part 1 of Schedule 3 that is brought into Northern Ireland from another part of the United Kingdom, an EEA State (other than the United Kingdom), a member State (other than the United Kingdom) or from the Republic of Turkey, in which it was lawfully marketed.

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

4.—(1) A person who trades in a product that complies with the requirements of a Part of Schedule 3 specified in column 2 of Part 1 of Schedule 3 must use the name of the product listed in the corresponding entry in column 1 of Part 1 of Schedule 3, 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 3, in trade, as the name of a product unless the product complies with the requirements for that product specified

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(a) OJ NO L354, 31.12.2008, p 16, last amended by Commission Regulation (EU) 2017/874 (OJ No L134, 23.5.2017, p.18)

(b) OJ No L 10, 12.1.2002, p 53

(c) 1954 c.33 (N.I)

in the Part of the Schedule mentioned in the corresponding entry in column 2 of Part 1 of Schedule 3.

(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 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.

(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 Articles 30 to 35 of Regulation (EU) No 1169/2011.

### **Residual sulphur dioxide**

8. A person must not trade in a regulated product that is listed in Part 1 of the table in Part 1 of Schedule 3 that has a residual sulphur dioxide content of more than 10 milligrams per kilogram unless, in addition to any particular required to be identified in a list of ingredients by Regulation (EU) No 1169/2011, 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.

### **Enforcement**

9. It is the duty of each district council within its district to enforce these Regulations.

### **Application of provisions of the Order**

10. The provisions of the Order specified in column 1 of the table in Schedule 4 apply with the modifications specified in column 2 of that table for the purposes of these Regulations.

### **Revocations**

11. The Jam and Similar Products Regulations (Northern Ireland) 2003(a) are revoked.

Sealed with the official seal of the Department on 0th Month 2018.



*Name*  
A senior officer of the Department of Health

## **SCHEDULE 1**

Regulation 2(1)

### **Authorised additional ingredients**

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

- (a) honey, as a total or partial substitute for sugar;
- (b) edible oils and fats as anti-foaming agents.

2. The following additional ingredients may be used in the manufacture of a regulated product —

- (c) liquid pectin;
- (d) spirits, wine and liqueur wine, nuts, aromatic herbs, spices, vanilla and vanilla extracts;
- (e) vanilline; and
- (f) any substance permitted pursuant to Regulation (EC) No 1333/2008.

## **SCHEDULE 2**

Regulation 2(1)

### **Authorised treatments**

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

- (a) heated, chilled or frozen;

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(a) S.R. 2003 No. 519

- (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 3 Regulations 2 to 8

### Regulated products

#### PART 1

##### List of products

<i>Column 1</i>	<i>Column 2</i>
<i>Product name</i>	<i>Part of this Schedule containing the specification for the product</i>
<b>Part 1</b>	
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
<b>Part 2</b>	
“X” curd	Part 9
Lemon cheese	Part 10
“Y” flavour curd	Part 11
Mince meat	Part 12

#### PART 1

##### Jam

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

- (a) sugar;
- (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 paragraphs 1 to 3, the product must not contain anything else except that it may contain any one or more 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 one or more of the following fruits—
  - (i) rosehips;
  - (ii) strawberries;
  - (iii) raspberries;
  - (iv) gooseberries;
  - (v) redcurrants;
  - (vi) plums; or
  - (vii) rhubarb;
- (d) red beetroot juice, in a product manufactured from any one or more 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 60% or more as determined by refractometer at 20°C except for—

- (a) those products in respect of which sugar has 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.

## PART 2

### Extra jam

1. 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, of—
    - (i) sugar;
    - (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) sugar;
    - (ii) subject to paragraph 2, the unconcentrated pulp of one or more kinds of fruit; and
    - (iii) water.
2. 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.
3. 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.
4. 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 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.
5. Apart from the ingredients mentioned in paragraph 1, the product must not contain anything else except that it may contain any one or more 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 one or more 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.

6. 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.

7. The product 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 sugar has 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.

## PART 3

### Jelly

1. Jelly is an appropriately gelled mixture of—

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

2. 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.

3. 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.

4. Apart from the ingredients mentioned in paragraph 1, the product must not contain anything else except that it may contain any one or more 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; or
  - (v) plums;
- (d) citrus peel; and
- (e) 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 60% or more as determined by refractometer at 20°C except for—

- (a) those products in respect of which sugar has 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.

## PART 4

### Extra jelly

**1.** Extra jelly is an appropriately gelled mixture of—

- (a) sugar and fruit juice;
- (b) sugar and aqueous extract of fruit; or
- (c) sugar and both fruit juice and aqueous extract of fruit.

**2.** 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.

**3.** 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 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.

4. 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.

5. Apart from the ingredients mentioned in paragraph 1, the product must not contain anything else except that it may contain any one or more 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.

6. 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.

7. The product 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 sugar has 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.

## PART 5

### Marmalade

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

- (a) water;
- (b) sugar; 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.

2. 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.

3. The product 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 sugar has 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.

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

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

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.

## PART 6

### Jelly marmalade

1. 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 7

### Sweetened chestnut purée

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

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

3. The product 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 sugar 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.

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

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

## Part 9

### “X” Curd

1. “X” Curd is 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.

2. The quantity of fat and oil used for the manufacture of every 1,000 grams of the finished product must not be less than 40 grams.

3. The quantity of whole and egg yolk used for every 1,000 grams of the finished product must not be less than 6.5 grams of egg yolk solids.

4. The quantity of fruit, fruit pulp, fruit purée, fruit juice, aqueous extract of fruit, and essential oil of fruit must be sufficient to characterise the finished product.

5. The product must have a soluble dry matter content of 65% 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.

6. References to “X” in this paragraph must be read as if for “X” there was substituted—

- (a) the name of a particular kind of fruit;
- (b) the words “mixed fruit”; or

- (c) the word “fruit” preceded by an indication of the number of kinds of fruit used in the preparation of the product.

## Part 10

### Lemon cheese

1. Lemon cheese is a food conforming to the requirements in Part 9 appropriate for lemon curd.

## Part 11

### “Y” flavour curd

1. “Y” flavour curd is 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.
2. The quantity of fat and oil used for the manufacture of every 1,000 grams of the finished product must not be less than 40 grams.
3. The quantity of whole egg and egg yolk used must be such that every 1,000 grams of the finished product contains not less than 6.5 grams of egg yolk solids.
4. The quantity of flavouring material used must be sufficient to characterise the product.
5. The product must have a soluble dry matter content of 65% or more as determined by refractometer at 20°C except for—
6. those products in respect of which sugars have been wholly or partially replaced by permitted sweeteners; and
7. 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.
8. References to “Y” in this Schedule must be read as if for “Y” there was substituted—
9. the name of a particular kind of fruit; or
10. the words “mixed fruit”.

## Part 12

### Mincemeat

1. Mincemeat is a mixture of sweetening agents, vine fruits, citrus peel, suet or equivalent fat and vinegar or acetic acid, with or without other edible ingredients.
2. Not less than 300 grams of vine fruits and citrus peel must be used for the manufacture of every 1,000 grams of the finished product, of which not less than 200 grams must consist of vine fruits.
3. Not less than 25 grams of suet or equivalent fat must be used for the manufacture of every 1,000 grams of the finished product.
4. The product must have a soluble dry matter content of 65% 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.
5. In this Part—

“sweetening agents” means any one or more of the following—

- (a) any sugar product defined in the Annex to Directive 2001/111/EC relating to certain sugars intended for human consumption;
- (b) brown sugar;
- (c) cane molasses; or
- (d) honey; and

“vine fruits” means any one or more of the following fruits—

- (a) currants;
- (b) muscatels;
- (c) raisins; and
- (d) sultanas.

## SCHEDULE 4

Regulation 10

### Application of other provisions of the Order

<i>Column 1</i> <i>Provision of the Order</i>	<i>Column 2</i> <i>Modifications</i>
Article 4 (presumptions that food intended for human consumption)	In paragraph (1), for “this Order” substitute “the Jam and Similar Products Regulations (Northern Ireland) 2013”.
Article 9 (improvement notices)	(1) For paragraph (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 Regulations (Northern Ireland) 2018 specified in paragraph (1A), the authorised officer may, by a notice served on that person (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 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); and (h) regulation 8.

Article 19 (offences due to fault of another person)	For “any of the preceding provisions of this Part” substitute “Article 9(2), as applied by regulation 10 and Schedule 4 of the Jam and Similar Products Regulations (Northern Ireland) 2018,”.
Article 20 (1) and (5) (defence of due diligence)	In paragraph (1), for “any of the preceding provisions of this Part” substitute “Article 9(2), as applied by regulation 10 and Schedule 4 of the Jam and Similar Products Regulations (Northern Ireland) 2018,”.
Article 30(8) (which relates to evidence of certificates given by a food analyst or examiner)	For “this Order” substitute “the Jam and Similar Products Regulations (Northern Ireland) 2018”.
Article 34 (obstruction etc of officers)	In paragraph (1), for “this Order” (in each place occurring) substitute “the Jam and Similar Products Regulations (Northern Ireland) 2018”.
Article 36(1) and (2) (punishment of offences)	In paragraph (1), after “Article 34(1)”, insert, “as applied and modified by regulation 10 of, and Schedule 4 to, the Jam and Similar Products Regulations (Northern Ireland) 2018,”. After paragraph (1), insert— “(1A) A person guilty of an offence under Article 9(2), as applied by regulation 10 of the Jam and Similar Products Regulations (Northern Ireland) 2018, shall be liable, on summary conviction, to a fine not exceeding level 5 on the standard scale.”. In paragraph (2)— <ul style="list-style-type: none"> <li>(e) for “any other offence under this Order”, substitute “an offence under Article 34(2), as applied by regulation 10 of, and Schedule 4 to, the Jam and Similar Products Regulations (Northern Ireland) 2018,”; and</li> <li>(f) in paragraph (b), for “the relevant amount”, substitute “the statutory maximum”.</li> </ul>
Article 37 (Appeals)	For paragraph (1) substitute “Any person who is aggrieved by a decision of an authorised officer to serve an improvement notice as applied and modified by regulation 10 and Schedule 4 of the Jam and Similar Products Regulations (Northern Ireland) 2018 may appeal to a court of summary jurisdiction”.
Article 38 (Appeals against improvement notices)	In paragraphs (1) and (2), after “improvement notice” insert “as applied by regulation 10 and Schedule 4 of the Jam and Similar Products Regulations (Northern Ireland) 2018”

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**EXPLANATORY NOTE**

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

To be completed after consultation

**Interested Parties**

Allegro Northern Ireland Ltd  
Allied Bakeries  
Anahorish Preserves Ltd  
Asia Supermarket  
Beck & Scott Ltd  
Beechwood Laboratories  
Benburb Bramleys Ltd  
Blue Diamond (Cp) Ltd  
Brambleberry Jams  
British Soft Drinks Association  
Cafre  
Camseng International Foods  
Chartered Institute Of Environmental Health Northern  
Ireland  
DAERA  
DoH  
District Councils In Northern Ireland  
Dunnes Stores  
Erin Grove Preserves  
Public Analyst Scientific Services  
Europa Foods  
Food Safety Authority Of Ireland  
Food Safety Promotion Board  
General Consumer Council For Northern Ireland  
Gilberry Fayre  
Glanbia Foods  
Invest Northern Ireland  
James A. S. Finlay (Holdings) Ltd  
John Henderson Group  
Johnston Brothers (Distributing) Ltd  
Kay's Kitchen  
Lee Foods  
Loughshore Veg Ltd  
Musgrave Supervalu Centra  
Ni Co-Op  
Northern Ireland Food Advisory Committee  
Northern Ireland Food And Drink Association  
Northern Ireland Local Government Association  
Orchard Fresh Foods Ltd  
Punjana Ltd  
Quince Grove Fine Foods Ltd  
S D Bell & Co Ltd  
The Sunstart Bakery  
Top Mark Cash and Carry  
Ulster Farmers Union  
W.G Buchanans & Sons Ltd  
Wilson's Countryfresh Ltd