

Statutory Document No. 2005/0707

*Food Act 1996*

JAM AND SIMILAR PRODUCTS REGULATIONS 2005¹

Approved by Tynwald: 20 October 2005
Coming into Operation: 1 January 2006

In exercise of the powers conferred on the Department of Local Government and the Environment by sections 17(1)(e), 21 and 41 of the Food Act 1996¹ and of all other enabling powers, and after consulting such organisations as appear to it to be representative of interests likely to be substantially affected thereby, the following Regulations are hereby made:

1 Citation and commencement

These Regulations may be cited as the Jam and Similar Products Regulations 2005 and, subject to section 41(7) of the Act, shall come into force on 1st January 2006.

2 Interpretation

(1) In these Regulations —

“the Act” means the Food Act 1996;

“the 2004 Regulations” [Revoked]²

“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;

“catering establishment” means a restaurant, canteen, club, public house, school, hospital or similar establishment (including a vehicle or a fixed or mobile stall) where, in the course of a business, food is prepared for delivery to the ultimate consumer and is ready for consumption without further preparation;

“chestnut” means the fruit of the sweet chestnut tree (*Castanea sativa*);

“the Department” means the Department of Environment, Food and Agriculture;³

¹ 1996 c.8

“Directive 2001/113” means Council Directive 2001/113/EC² relating to fruit jams, jellies and marmalades and sweetened chestnut puree intended for human consumption, as amended from time to time;⁴

“EEA Agreement” [Revoked]⁵

“EEA State” [Revoked]⁶

“free circulation” [Revoked]⁷

“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 peel, skin, seeds or pips, as appropriate, which may have been sliced or crushed but which has not been reduced to a puree;

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

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

“ingredient” has the meaning assigned to it by Article 2(2)(f) of Regulation (EU) No 1169/2011;⁸

“labelling” has the meaning assigned to it by Article 2(2)(j) of Regulation (EU) No 1169/2011;⁹

“Member State” [Revoked]¹⁰

“permitted additional ingredient” means an ingredient described in paragraph 1 of Schedule 2 which is used as specified in that paragraph;

“permitted sweetener” means any sweetener insofar as its use is permitted in the specified jam or similar product by Regulation (EC) No 1333/2008 of the European Parliament and of the Council on food additives¹⁰, as amended from time to time;¹¹

“preparation” includes manufacture and any form of processing or treatment;

“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 consumers¹¹, as amended from time to time;¹²

“reserved description”, as regards any specified jam or similar product means any description specified in relation to that product in column 1 of Schedule 1 as read with the Notes relating to that Schedule;

² OJ No. L10, 12.1.2002, p. 67

“sell” includes offer or expose for sale and includes have in possession for sale, and “sale” shall be construed accordingly;

“specified jam or similar product” means, subject to paragraph (2), any composition of food specified in column 2 of Schedule 1 as read with the Notes relating to that Schedule;

“sugars” means a sugar product defined in the Annex to Council Directive 2001/111/EC relating to certain sugars intended for human consumption³ as amended from time to time, fructose syrup, sugar extracted from fruit or brown sugar or any combination thereof;

“ultimate consumer” means any person who buys otherwise than —

- (a) for the purpose of resale,
- (b) for the purposes of a catering establishment, or
- (c) for the purposes of a manufacturing business;

“vine fruits” means muscatels, raisins, sultanas or currants.

(2) A food described in column 2 of any items 1 to 7 of Schedule 1 is not a specified jam or similar product within the meaning of these Regulations if —

- (a) it contains any additional ingredient other than a permitted additional ingredient;
- (b) any raw material, to which paragraphs 2 to 4 of Schedule 2 refer, used in the preparation of that food has been subjected to any treatment other than a treatment authorised by those paragraphs.

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

3 Scope of Regulations

- (1) Subject to paragraphs (2) and (3) these Regulations apply to specified jam or similar products, intended for human consumption and ready for delivery to the ultimate consumer or to a catering establishment.
- (2) These Regulations do not apply to any specified jam or similar product intended for the manufacture of fine bakery wares, pastries or biscuits.
- (3) [Revoked]¹³

4 Reserved descriptions

No person shall sell any food with a label, whether or not attached to or printed on the wrapper or container, which bears, comprises or includes any reserved

³ OJ No. L10, 12.1.2002, p. 53

description or any derivative thereof or any word or description substantially similar thereto unless —

- (a) such food is the specified jam or similar product to which the reserved description relates;
- (b) such description, derivative or word is used in such a context as to indicate explicitly or by clear implication that the substance to which it relates is only an ingredient of that food; or
- (c) such description is used in addition to the name of the food and in accordance with practices used to designate other products which cannot be confused with those defined in column 2 of Schedule 1.

5 Labelling and description of specified jam products

- (1) No person shall sell any specified jam or similar product unless it is marked or labelled with the following particulars —
 - (a) the reserved description of the product;
 - (b) where any specified jam or similar product has a residual sulphur dioxide content of more than 10 milligrams per kilogram, then, in addition to any particular required to be identified in a list of ingredients by Regulation (EU) No 1169/2011, that residual content shall be identified in the list of ingredients according to the percentage by weight of the residue in the product as “sulphur dioxide”.^{14 15}
- (2) No person shall sell any product specified at items 1-7 of Schedule 1 unless it is marked or labelled with the following particulars —
 - (a) in the case —
 - (i) of a product prepared from a single type of fruit, an indication of that type of fruit;
 - (ii) of a product prepared from two types of fruit, an indication of those types of fruit in descending order of the weight of the fruit pulp, fruit puree, fruit juice, fruit peel and aqueous extract of fruit used in the preparation of the product; and
 - (iii) of a product prepared from three or more types of fruit, an indication of those types of fruit in descending order of the weight of the fruit pulp, fruit puree, fruit juice, fruit peel and aqueous extract of fruit used in the preparation of the product or alternatively the words “mixed fruit” or similar wording or the number of types of fruit used in the preparation of the product;
 - (b) an indication of the proportion of fruit used in the preparation of the product in the form “prepared with Xg of fruit per 100 g”, there being inserted in place of “X” the quantity in grams of fruit from which the fruit pulp, fruit puree, fruit juice, fruit peel and aqueous

extract of fruit used for every hundred grams of the finished product are derived;

- (c) except where a nutritional claim as regards sugar content is made and the product is marked or labelled, as regards sugar content, with the prescribed nutrition labelling as set out in Articles 30 to 35 of Regulation (EU) No 1169/2011, an indication of the total sugar content in the form “total sugar content: Yg per 100 g”, there being inserted in place of “Y” the content in grams of soluble solids in each hundred grams of the product, determined by refractometer at 20°C, the content shown being accurate to ± 3 refractometric degrees.^{16 17}
- (3) The particulars with which the product is required to be marked or labelled in accordance with paragraph 2(b) and (c) shall appear in the labelling of the food in the same field of vision as the name of the product and in clearly visible characters.

6 [Revoked]¹⁸

7 Offences and Penalties

Any person who contravenes or fails to comply with regulation 4 or 5 of these Regulations shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding £5000 or custody for a term not exceeding 6 months or to both.

8 Enforcement

These Regulations shall be executed and enforced by the Department.

9 Defence in relation to exports

In any proceedings for an offence under these Regulations it shall be a defence for the person charged to prove —

- (a) that the food in respect of which the offence is alleged to have been committed was intended for export to a country which has legislation analogous to these Regulations and that the food complies with that legislation; and
- (b) in the case of an EEA State, that the legislation complies with the provisions of Directive 2001/113/EC of the European Parliament and the Council relating to fruit jams, jellies and marmalades and sweetened chestnut puree intended for human consumption⁴.

⁴ OJ No. L10, 12.1.2002, p. 67, as adopted by the EEA Joint Committee Decision No. 99/2002 (OJ No. L298, 31.10.2002, p. 10).

10 Application of various provisions of the Act

The following provisions of the Act shall apply for the purposes of these Regulations with the modification that any reference in those provisions to the Act or any Part thereof shall be construed as a reference to these Regulations –

- (a) section 2 (extended meaning of sale etc.);
- (b) section 3 (presumption that food is intended for human consumption);
- (c) section 24(7) (which relates to documentary evidence) ;
- (d) section 27(1) (obstruction etc of officers);
- (e) section 27(2), with the modification that the reference to “any such requirement as is mentioned in subsection (1)(b) above” shall be deemed to be a reference to any such requirement as is mentioned in section 33(1)(b) as applied by sub-paragraph (d) above;
- (f) section 29(1) (punishment of offences), insofar as it relates to offences under section 27(1) as applied by sub-paragraph (d) above;
- (g) section 29(2) and (3) insofar as it relates to offences under section 27(2) as applied by sub-paragraph (e) above;
- (h) section 30 (offences by bodies corporate);
- (i) section 31 (offences due to fault of another person);
- (j) section 32 (defence of due diligence), as it applies for the purposes of section 6,15, or 16 of the Act; and
- (k) section 33 (defence of publication in the course of a business);

11 Transitional provisions

In any proceedings for an offence under these Regulations it shall be a defence for the person charged to prove that the food concerned was marked or labelled before 1st July 2006.

MADE 19 SEPTEMBER 2005

SCHEDULE 1

COMPOSITION

[Regulation 2(1)]

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

		after deduction of the weight of water used in preparing the aqueous extracts.
4	Extra Jelly	An appropriately gelled mixture of sugars and fruit juice or aqueous extract of fruit, or both but the following fruits may not be used mixed with others in the manufacture of extra jelly: apples, pears, clingstone plums, melons, watermelons, grapes, pumpkins, cucumbers and tomatoes. The quantity of fruit juice or aqueous extract of fruit, or both, used for every kilogram of the finished product being not less than — (i) 350 grams in the case of redcurrants, blackcurrants, rosehips, rowanberries, sea buckthorns or quinces, (ii) 250 grams in the case of ginger, (iii) 230 grams in the case of cashew apples, (iv) 80 grams for passion fruit, (v) 450 grams in the case of any other fruit. The quantities in paragraphs (i) to (v) above are calculated after deduction of the weight of water used in preparing the aqueous extracts.
5	Jelly marmalade	The composition of marmalade, as described below but where the product contains no insoluble matter except possibly for small quantities of finely sliced peel.
6	Marmalade	A mixture, brought to a suitable gelled consistency, of water, sugars and fruit pulp, fruit purée, fruit juice, fruit peel or aqueous extract of fruit or any combination thereof, in every case obtained from citrus fruit, such that the quantity of citrus fruit used for every 1000 grams of the finished product is not less than 200 grams, of which not less than 75 grams is obtained from the endocarp.
7	Sweetened chestnut puree	A mixture brought to a suitable consistency, of water, sugar and puréed chestnuts, such that the quantity of puréed chestnuts used for every 1000 grams of the finished product is not less than 380 grams.
8	X curd	An emulsion of edible fat or oil (or both), sugar, whole egg or egg yolk (or both), and any combination of fruit, fruit pulp, fruit purée, fruit juice, aqueous extract of fruit or essential oils of fruit, with or without other edible ingredients, such that — (a) the quantity of fat and oil used for every 1000 grams of the finished product is not less than 40grams; (b) the quantity of whole and egg yolk used for every 1000 grams of the finished product is not less than 6.5 grams of egg yolk solids; and (c) the quantity of fruit, fruit pulp, fruit purée, fruit juice, aqueous extract of fruit, and essential oil of fruit is sufficient to characterise the finished product.
9	Lemon cheese	A food conforming to the description in item 8 above appropriate for lemon curd.
10	Y flavour curd	An emulsion of edible fat or oil (or both), sugar, whole egg or egg yolk (or both), and flavouring material with or without other edible ingredients, such that — (a) the quantity of fat and oil used for every 1000 grams of the

		<p>finished product is not less than 40 grams;</p> <p>(b) the quantity of whole egg and egg yolk used is such that every 1000 grams of the finished product contains not less than 6.5 grams of egg yolk solids; and</p> <p>(c) the quantity of flavouring material used is sufficient to characterise the product.</p>
11	Mince meat	<p>A mixture of sweetening agents, vine fruits, citrus peel, suet or equivalent fat and vinegar or acetic acid, with or without other edible ingredients, such that –</p> <p>(a) the quantity of vine fruits and citrus peel used for every 1000 grams of the finished product is not less than 300 grams, of which not less than 200 grams consists of vine fruits; and</p> <p>(b) the quantity of suet or equivalent fat used for every 1000 grams of the finished product is not less than 25 grams.</p> <p>For the purposes of this entry, “sweetening agents” means –</p> <p>(a) any sugar product defined in the Annex to Directive 2001/111/EC⁵ relating to certain sugars intended for human consumption;</p> <p>(b) brown sugar;</p> <p>(c) cane molasses;</p> <p>(d) honey, as defined in Council Directive 2001/110/EC⁶ relating to honey.</p>

NOTES:

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

⁵ OJ No. L10, 12.1.2002, p.53.

⁶ OJ No. L10, 12.1.2002, p.47

- (c) the word “fruit” preceded by an indication of the number of types of fruit used in the preparation of the food described in column 2 of the item.

4. Column 1 of this Schedule shall be read as if for “Y” in item 10 there were substituted

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

SCHEDULE 2

PERMITTED ADDITIONAL INGREDIENTS AND AUTHORISED TREATMENTS
FOR PRODUCTS DESCRIBED IN ITEMS 1 TO 7 OF SCHEDULE 1

[Regulation 2(1) and (2)]

1. The following additional ingredients may be used, to the extent stated below:
 - (a) honey as defined in Council Directive 2001/110/EC of 20 December 2001 relating to honey⁷ as amended from time to time in all products as a total or partial substitute for sugars;¹⁹
 - (b) fruit juice: only in jam;
 - (c) citrus fruit juice: in products obtained from other types of fruit: only in jam, extra jam, jelly and extra jelly;
 - (d) red fruit juices: only in jam and extra jam manufactured from rosehips, strawberries, raspberries, gooseberries, redcurrants, plums and -rhubarb;
 - (e) red beetroot juice: only in jam and jelly manufactured from strawberries, raspberries, gooseberries, redcurrants and plums;
 - (f) essential oils of citrus fruits: only in marmalade and jelly marmalade;
 - (g) edible oils and fats as anti-foaming agents: in all products;
 - (h) liquid pectin: in all products;
 - (i) citrus peel: in jam, extra jam, jelly and extra jelly;
 - (j) leaves of *Pelargonium odoratissimum*: in jam, extra jam, jelly and extra jelly, where they are made from quince;
 - (k) spirits, wine and liqueur wine, nuts, aromatic herbs, spices, vanilla and vanilla extracts: in all products;
 - (l) vanilline: in all products;
 - (m) any substance permitted pursuant to Regulation (EC) No. 1333/2008 of the European Parliament and of the Council on food additives.²⁰

2. Fruit, fruit pulp, fruit puree and aqueous extract of fruit may be treated in the following ways:
 - (a) heated, chilled or frozen;
 - (b) freeze-dried;
 - (c) concentrated, to the extent that is technically possible,
 - (d) except in relation to extra jam or extra jelly, sulphited, that is to say sulphur dioxide (E 220) or its salts (E 221 E 222, E 223, E 224, E 226

⁷ OJ No. L.10, 12.1.2002, p. 47

and E 227) may be used as an aid to manufacture provided that the maximum sulphur-dioxide content laid down in Regulation (EU) No 1333/2008 of the European Parliament and of the Council on food additives is not exceeded.²¹

3. Apricots and plums to be used in the manufacture of jam may also be treated by other drying processes apart from freeze-drying.
4. Citrus peel may additionally be preserved in brine.

ENDNOTES

Table of Endnote References

- ¹ The format of this legislation has been changed as provided for under section 75 of, and paragraph 2 of Schedule 1 to, the Legislation Act 2015. The changes have been approved by the Attorney General after consultation with the Clerk of Tynwald as required by section 76 of the Legislation Act 2015.
- ² Definition of “the 2004 Regulations” revoked by SD2019/0363.
- ³ Definition of “the Department” amended by SD2019/0363.
- ⁴ Definition of “Directive 2001/113” amended by SD2019/0363.
- ⁵ Definition of “EEA Agreement” revoked by SD2023/0284.
- ⁶ Definition of “EEA State” revoked by SD2023/0284.
- ⁷ Definition of “free circulation” revoked by SD2023/0284.
- ⁸ Definition of “ingredient” amended by SD2019/0363.
- ⁹ Definition of “labelling” amended by SD2019/0363.
- ¹⁰ Definition of “Member State” revoked by SD2023/0284.
- ¹¹ Definition of “permitted sweetener” amended by SD2019/0363.
- ¹² Definition of “Regulation (EU) No 1169/2011” inserted by SD2019/0363.
- ¹³ Para (3) revoked by SD2023/0284.
- ¹⁴ Subpara (b) amended by SD2019/0363.
- ¹⁵ Para (1) amended by SD2019/0363.
- ¹⁶ Subpara (c) amended by SD2019/0363.
- ¹⁷ Para (2) amended by SD2019/0363.
- ¹⁸ Reg 6 revoked by SD2019/0363.
- ¹⁹ Subpara (a) amended by SD2019/0363.
- ²⁰ Subpara (m) substituted by SD2019/0363.
- ²¹ Subpara (d) amended by SD2019/0363.