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# Consultation on the draft Fruit Juices and Fruit Nectars (England) (Amendment) Regulations 2011

December 2010

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This document is available on the Defra website:  
[www.defra.gov.uk/corporate/consult/fruit-juice/index.htm](http://www.defra.gov.uk/corporate/consult/fruit-juice/index.htm)

Published by the Department for Environment, Food and Rural Affairs

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# 1. Executive Summary

## Purpose of the consultation

1. This non formal consultation seeks views on the draft Fruit Juices and Fruit Nectars (England) (Amendment) Regulations 2011. These Regulations will amend the Fruit Juices and Fruit Nectars Regulations 2003 in order to implement Commission Directive 2009/106/EC of 14<sup>th</sup> August 2009 which itself amends Council Directive 2001/112/EC.
2. The draft 2011 Regulations aim to remove ambiguity from the description of mixtures of fruit juice and fruit juice from concentrate and will introduce minimum brix levels for fruit juices from concentrate. (Brix values provide a measure of quality by setting minimum soluble solids (essentially sugar content) for fruit juices. We are seeking your views on these changes.
3. Having considered your submissions and published a response, we will draft the amending Regulations accordingly.

# 2. Introduction

## Purpose of the consultation

This consultation seeks your views on the draft Fruit Juices and Fruit Nectars (England) (Amendment) Regulations 2011 which proposes amendments to the Fruit Juices and Fruit Nectars Regulations 2003. The amendment to the description of mixtures of juice and juice from concentrate is a minor linguistic change which allows easier translation into languages of Member States. The main proposal is to introduce minimum Brix levels for juices from concentrate and these are shown in the draft statutory instrument (See Annex A) [www.defra.gov.uk/corporate/consult/fruit-juice/index.htm](http://www.defra.gov.uk/corporate/consult/fruit-juice/index.htm)

## Who has an interest in the consultation?

- 2.4. Fruit Juice Manufacturers, Canned Fruit Manufacturers, retailers, importers, enforcement authorities and trade associations will have an interest in this consultation.
- 2.5. A list of the organisations that we have approached directly for views accompanies this consultation. It is available alongside the consultation document via the Defra web site [www.defra.gov.uk](http://www.defra.gov.uk). However, we would welcome views from any interested party.

## Who will be affected?

- 2.6. One-off familiarisation costs to manufacturers of fruit juices and canned fruit have been estimated at approximately £283 and to English local authorities of approximately £9000. There will also be a re-labelling cost to one affected England-based fruit juice manufacturer, of approximately £7200, due to the linguistic change on the labels of fruit juices containing juice both “not from concentrate” and “from concentrate”. Lastly, there will be further relabelling costs to England-based canned fruit manufacturers, of up to £144,000, due to the setting of minimum Brix levels. Further details of the estimated costs can be found in the Impact assessment at Annex B.

**If you believe that these Regulations will create costs for your business then please let us know.**

- 2.7. This consultation applies to England only. Similar but separate consultations are being held by the Food Standards Agency in Scotland, Wales and Northern Ireland as the devolved administrations still have policy responsibility for this area of work. Details of these consultations can be found on the Food Standards Agency's website: <http://www.food.gov.uk/consultations>

### **Questions asked in this consultation**

- Q1** Do you agree to the change to labelling mixtures of juice and juice from concentrate?
- Q2** Do you agree with introduction of minimum Brix levels for fruit juices from concentrate?
- Q3** Do you consider that the Brix levels proposed in the Regulations are appropriate?
- Q4** How many products do you anticipate will be affected by the linguistic change?
- Q5** Do you agree that the costs associated with the linguistic change and new Brix levels will be minimal and are a true reflection of the estimated costs? And that the Impact Assessment is a reasonable account of the benefits?
- Q6** Are there any other manufacturers that you think might be affected by both the linguistic change and the introduction of minimum brix levels for fruit juices from concentrate?

### **Canned Fruit Questions**

- Q6** How many manufacturers do industry believe there are in the canned fruit industry?
- Q7** We would welcome feedback on the number of businesses and products affected and whether reformulation or re-labelling is the more likely change.
- Q8** What do you envisage the reformulation cost to be in this case? Will this result in higher ongoing costs?
- Q9** Please indicate what the likely costs of re-labelling will be in this case
- Q10** What is the normal re-labelling cycle for canned fruit?
- Q11** Do you agree that the new Regulations will result in no additional enforcement costs over and above business as usual?
- Q12** Are there any other costs and benefits that have not been considered?
- Q13** Do you agree that any new administrative Burdens will be minimal? If not, please provide details, including costs, of any new administrative burden introduced.

## How to respond

- 2.8. This consultation is being held for 6 weeks from 21 December 2010. Please send your responses by email or by post to the address below, bearing in mind the closing date of **1 February 2011**.

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**London SW1P 3JR**

**T: 020 7238 4352**

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

## Publication of responses (confidentiality)

- 2.9. In line with Defra's policy of openness, at the end of the consultation period copies of the responses we receive will be made publicly available through the Defra Information Resource Centre, Lower Ground Floor, Ergon House, 17 Smith Square, London SW1P 3JR. The information they contain may also be published in a summary of responses to this consultation.
- 2.10. **If you do not consent to this, you must clearly request that your response be treated as confidential.** Any confidentiality disclaimer generated by your IT system in email responses will not be treated as such a request. Respondents should also be aware that there may be circumstances in which Defra will be required to communicate information to third parties on request, in order to comply with its obligations under the Freedom of Information Act 2000 and the Environmental Information Regulations.
- 2.11. The Information Resource Centre will supply copies of consultation responses to personal callers or in response to telephone or email requests (tel: 020 7238 6575 or email [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.

## Comments or complaints

- 2.12. If you have any comments or complaints about the consultation process, please address them to Defra's Consultation Co-ordinator, Area 7C Nobel House, 17 Smith Square, London SW1P 3JR, or email [consultation.coordinator@defra.gsi.gov.uk](mailto:consultation.coordinator@defra.gsi.gov.uk).

## Code of practice on written consultations

- 2.13. This consultation is in line with the Code of Practice on Consultations. This can be found at <http://www.berr.gov.uk/bre>

## **Next steps**

2.14. All the responses received by the deadline will be considered and a summary placed on the Defra web site. After considering the responses we will draft the amending Regulations accordingly.

### **3. Annex A**

The draft Fruit Juices and Fruit Nectars (England) (Amendment) Regulations 2011 can be found on the Defra website at: [www.defra.gov.uk/corporate/consult/fruit-juice/index.htm](http://www.defra.gov.uk/corporate/consult/fruit-juice/index.htm)

### **4. Annex B**

The Impact Assessment accompanying the draft Fruit Juices and Fruit Nectars Regulations can be found on the Defra website at: [www.defra.gov.uk/corporate/consult/fruit-juice/index.htm](http://www.defra.gov.uk/corporate/consult/fruit-juice/index.htm)