

SUBSIDIARY LEGISLATION 231.20

SOFT DRINKS REGULATIONS

1st May, 1978

LEGAL NOTICE 13 of 1978, as amended by Legal Notices 33 of 1978, 45 of 1984, 90 of 1994 and 34 of 1997.

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| <p>1. The title of these Regulations is Soft Drinks Regulations.</p> | Title. |
| <p>2. In these Regulations, unless the context otherwise requires -</p> <p>"the Act" means the Food, Drugs and Drinking Water Act;</p> <p>"carbohydrate" means a substance containing only carbon, hydrogen, and oxygen, in which the hydrogen and oxygen occur in the same proportion as in water;</p> <p>"comminuted citrus drink" means a soft drink produced by a process involving the comminution of the entire citrus fruit;</p> <p>"container" means any vessel, can, box or carton capable of containing a soft drink which is, has been, or is capable of being closed and includes any kind of bottle, but does not include any counter dispenser or vending machine, or any unclosed cup, mug, glass or other unclosed drinking vessel;</p> <p>"cordial" means a clear squash or a clear crush;</p> <p>"crush" means a soft drink containing fruit juice, not being a comminuted citrus drink, intended for consumption without dilution;</p> <p>"fruit juice" means the clean, sound, undiluted juice of the fruit or fruits from which it is obtained;</p> <p>"permitted artificial sweetener" means saccharin, calcium saccharin and sodium saccharin, aspartame, as well as acesulfame K in each case subject to the specific and the general purity criteria referred to in the Sweeteners for Use in Foodstuffs Regulations;</p> <p>"potable fruit content" means the total of the fruit constituents of a soft drink derived from the juice, pith and peel;</p> <p>"printing" includes the processes of embossing and firing on;</p> <p>"registered trade mark" means a trade mark registered under the provisions of the Industrial Property (Protection) Ordinance;</p> <p>"to sell" includes to offer, expose, advertise or keep for sale and to supply by way of compensation or otherwise;</p> <p>"soft drink" means any liquid intended for sale as drink for human consumption, either without or after dilution, and includes -</p> <p style="margin-left: 2em;">(a) any fruit drink, and any fruit juice squash, crush or cordial;</p> <p style="margin-left: 2em;">(b) soda water, Indian or quinine tonic water, and any sweetened artificially carbonated water whether flavoured or unflavoured;</p> | <p>Interpretation.
Amended by:
<i>L.N. 45 of 1984;</i>
<i>L.N. 90 of 1994.</i>
Cap. 231.</p> <p style="text-align: right;">S.L. 231.44</p> <p style="text-align: right;">Cap. 29.</p> |

(c) ginger-beer and any herbal or botanical beverage;
but does not include -

- (i) water from natural springs either in its natural state or with added mineral substances;
- (ii) fruit juice, sweetened or unsweetened, whether concentrated or frozen or not;
- (iii) milk or any preparation of milk;
- (iv) tea, coffee, dandelion coffee, cocoa or chocolate, or any preparation of tea, coffee, dandelion coffee, cocoa or chocolate;
- (v) any egg product;
- (vi) any cereal product, except -
 - (aa) flavoured barley water and liquid products used in the preparation of barley water, and
 - (ab) cereal products containing alcohol, which are not alcoholic beverages as defined in accordance with sub-paragraph (ix);
- (vii) meat, yeast or vegetable extracts, soup or soup mixtures, or any similar product;
- (viii) tomato juice, vegetable juice, or any preparation of any such juice or juices;
- (ix) alcoholic beverages as defined in the Alcoholic Beverages Regulations;
- (x) any other unsweetened drink except soda water;

S.L. 41.02

"squash" means a soft drink containing fruit juice, not being a comminuted citrus drink, intended for consumption after dilution;

"sugar" means any soluble carbohydrate sweetening matter;

"sweetened" means containing added sugar or added poly-alcohol or any permitted artificial sweetener.

Requirements as to composition of soft drink.
Amended by:
L.N. 34 of 1997.

3. (1) No soft drink shall contain any added artificial sweetener other than a permitted artificial sweetener, and no person shall sell any soft drink which does not comply with the provisions of this sub-regulation.

(2) Any soft drink intended for consumption without dilution, which is of a description shown in column one of the First Schedule or the Third Schedule, shall conform to the requirements set out in relation thereto in the other columns of the said Schedules as respects the fruit juice or potable fruit content, as the case may be, the quantity of added sugar and permitted artificial sweetener, and other requirements.

(3) Any soft drink intended for consumption after dilution which is of a description shown in column one of the Second Schedule or the Fourth Schedule, shall conform to the requirements set out in relation thereto in the other columns of the said Schedules as respects the fruit juice or potable fruit content, as the case may be, the quantity of added sugar and permitted artificial sweetener.

(4) No soft drink intended for consumption, without or after dilution, by persons suffering from diabetes shall contain any added sugar and no provision of these Regulations specifying a maximum quantity of permitted artificial sweetener shall apply in relation to any such soft drink.

(5) Any soft drink intended for consumption, without or after dilution, as a low calorie soft drink shall, in addition to conforming to the relevant requirements as respects the fruit juice or potable fruit content, as the case may be, comply with a maximum calorie content as follows:

- (a) if intended for consumption after dilution it shall contain not more than 7.5 calories per 28.4 mls;
- (b) if intended for consumption without dilution it shall contain not more than 1.5 calories per 28.4 mls:

Provided that provisions of these Regulations specifying a minimum quantity of added sugar or a maximum quantity of permitted artificial sweetener shall not apply in relation to any such soft drink.

(6) Notwithstanding sub-regulation (3) and saving sub-regulation (4), any soft drink intended for consumption after dilution, may contain an amount of fruit juice or potable fruit content or added sugar or permitted artificial sweetener such that when diluted according to instructions on the label, the diluted product shall comply with the requirements for soft drinks for consumption without dilution:

Provided that the dilution ratio shall not be less than four parts of water to one part of the concentrate.

(7) No person shall sell any drink under such a description as to lead an intending purchaser to believe that he is purchasing a soft drink to which sub-regulation (2), (3), (4), (5) or (6) applies, unless the soft drink complies with the appropriate requirements set out or referred to in those sub-regulations in relation to that soft drink.

(8) (a) No person shall advertise, expose for sale, sell or supply by way of compensation or otherwise, any soft drink whose descriptive name bears resemblance to or is identical with another product, drug or medicine the use of which is either prohibited or restricted by law.

(b) No person shall advertise any soft drink implying directly or indirectly any intoxicating attributes.

4. (1) No soft drink may contain any acid other than ascorbic acid, citric acid, lactic acid, malic acid, nicotinic acid, tartaric acid drinks, or any other acid, in so far as the use of that acid in that soft drink is permitted by the Permitted Food Additives Regulations, or by the Use of Colours in Foodstuffs Regulations.

Acids in soft drinks.

S.L. 231.37
S.L. 231.30

(2) Any soft drink, other than a fruit squash, a fruit crush or a comminuted citrus drink, may contain acetic acid and phosphoric acid.

(3) No person shall sell any soft drink which does not comply with the provisions of this regulation.

Labelling of soft drinks.

Amended by:
L.N. 45 of 1984;
L.N. 90 of 1994.

5. (1) Subject to the provisions of these Regulations no person shall sell any soft drink in a container unless there is on the container a label bearing, besides the information required under article 14 of the Act, the following additional information:

- (a) in the case of a ready to drink beverage containing fruit juice, the word "CRUSH" preceded by the appropriate name of the fruit or fruits;
- (b) in the case of a beverage containing fruit juice, intended to be diluted, the word "SQUASH" preceded by the appropriate name of the fruit or fruits;
- (c) in the case of a ready to drink beverage or of a beverage intended to be diluted, in either case prepared by a process involving the comminution of the entire fruit the word "DRINK" preceded by the appropriate name of the fruit or fruits;
- (d) in the case of a beverage falling under paragraph (a) or (b) of this sub-regulation, instead of the word "CRUSH" or of the word "SQUASH" there may be the word "CORDIAL" if the beverage is clear;
- (e) in the case of a beverage, whether ready to drink or which needs dilution, and which is artificially flavoured but not having the minimum requirements of fruit juice or fruit content, the word "FLAVOUR" or the suffix "ADE" in either case preceded by the appropriate name of the fruit or fruits.

(2) No person shall sell any soft drink which does not comply with the compositional requirements of these Regulations as respect fruit juice or potable fruit content, in a container bearing a label on which there appears -

- (a) any pictorial or other device suggestive of any fruit or fruits; or
- (b) any word suggestive of any fruit or fruits not represented in the flavouring of that drink.

(3) Where any soft drink contains any permitted artificial sweetener it shall bear a label stating whether it contains only saccharin sodium or saccharin calcium or aspartame or acesulfame K, or any of them in addition to sugar:

Provided that where a soft drink contains aspartame there shall also be an indication on the label that aspartame contains phenylalanine.

Semi-sweet soft drinks.

6. A soft drink which is semi-sweet shall be labelled as such, which label shall also contain a description of that soft drink in accordance with regulation 5.

Special soft drinks.

7. A soft drink intended for consumption by diabetics or as a low calorie soft drink shall be clearly labelled "Fit for Diabetics" or "Low Calorie", as the case may be, which label shall also contain a description of that soft drink in accordance with regulation 5.

Vending machines.

8. No person shall sell in or from any vending machine any soft drink, whether in a container or not, unless there appears on the

front of that vending machine in clear lettering and in a conspicuous position a declaration giving the description specified in regulations 5, 6 and 7 for the soft drink contained therein, where applicable, and otherwise the descriptive name of that soft drink.

9. No soft drink shall contain any caffeine in excess of 200 mg per litre:

Provided that a person may import, advertise, expose for sale, distribute, sell or supply by way of compensation or otherwise any soft drink with a caffeine content in excess of 200 mg per litre and up to 350 mg per litre with the prior approval of the Council of Health and provided such person abides by any conditions which the said Council may impose.

Use of caffeine in soft drinks.
Amended by:
L.N. 33 of 1978.
Substituted by:
L.N. 34 of 1997.

Amended by:
L.N. 45 of 1984;
L.N. 90 of 1994.

FIRST SCHEDULE

Requirements as to Composition for Soft Drinks, other than Semi-Sweet Soft Drinks, for Consumption without Dilution

The requirements as to composition for soft drinks, other than any soft drink sold as a semi-sweet soft drink, for consumption without dilution shall be those shown in the Table below.

TABLE

Column 1	Column 2	Column 3	Column 4	Column 5	Column 6	Column 7
Description of soft drink	Minimum quantity of fruit juice (expressed in terms of juice of natural strength) or potable fruit content, as the case may be	Minimum quantity of added sugar per litre	Maximum quantity of saccharine, calcium saccharine or sodium saccharine per 45.4 litres	Maximum quantity of permitted aspartame in the beverage as consumed	Maximum quantity of acesulfame K permitted in the beverage as consumed	Other requirements as to composition
Citrus juice and barley water	3% citrus fruit juice by volume	45 grams	3.7 grams	0.1%	300 milligrams per litre or 13.62 grams per 45.4 litres	
Lime crushes, lime juice and soda	3% lime juice by volume	45 grams	3.7 grams	0.1%	300 milligrams per litre or 13.62 grams per 45.4 litres	
Citrus crushes (including citrus crushes containing a bitter principle) not otherwise specified in this Schedule	5% citrus fruit juice by volume	45 grams	3.7 grams	0.1%	300 milligrams per litre or 13.62 grams per 45.4 litres	
Any description of soft drink containing a mixture of citrus and non-citrus fruit juices not otherwise specified in this Schedule	5% fruit juice by volume	45 grams	3.7 grams	0.1%	300 milligrams per litre or 13.62 grams per 45.4 litres	
Comminuted citrus fruits and barley drinks	1½% potable citrus fruit content by weight in volume	45 grams	3.7 grams	0.1%	300 milligrams per litre or 13.62 grams per 45.4 litres	
Comminuted citrus drinks (including comminuted citrus drinks containing a bitter principle or any citrus or non-citrus juice) not otherwise specified in this Schedule	2% potable citrus fruit content by weight in volume	45 grams	3.7 grams	0.1%	300 milligrams per litre or 13.62 grams per 45.4 litres	

Column 1	Column 2	Column 3	Column 4	Column 5	Column 6	Column 7
Description of soft drink	Minimum quantity of fruit juice (expressed in terms of juice of natural strength) or potable fruit content, as the case may be	Minimum quantity of added sugar per litre	Maximum quantity of saccharine, calcium saccharine or sodium saccharine per 45.4 litres	Maximum quantity of permitted aspartame in the beverage as consumed	Maximum quantity of acesulfame K permitted in the beverage as consumed	Other requirements as to composition
Any description of soft drink containing fermented apple juice or fermented pear juice	5% fermented apple juice or fermented pear juice by volume	45 grams	3.7 grams	0.1%	300 milligrams per litre or 13.62 grams per 45.4 litres	
Any other description of soft drink containing fruit juice not otherwise specified in this Schedule	5% fruit juice by volume	45 grams	3.7 grams	0.1%	300 milligrams per litre or 13.62 grams per 45.4 litres	
Indian or quinine tonic water	-	45 grams	3.7 grams	0.1%	300 milligrams per litre or 13.62 grams per 45.4 litres	To contain not less than 60 mg of quinine (calculated as quinine sulphate B.P.) per litre
Soda water	-	-	-	0.1%	300 milligrams per litre or 13.62 grams per 45.4 litres	To contain not less than 600 mg of sodium bicarbonate per litre
Dry ginger ale	-	30 grams	3.7 grams	0.1%	300 milligrams per litre or 13.62 grams per 45.4 litres	
Brewed ginger-beer and herbal and botanical beverages	-	20 grams	5.30 grams	0.1%	300 milligrams per litre or 13.62 grams per 45.4 litres	
Any description of soft drink (except those mentioned in the Second Schedule) not otherwise specified in this Schedule	-	45 grams	3.7 grams	0.1%	300 milligrams per litre or 13.62 grams per 45.4 litres	

Amended by:
L.N. 33 of 1978;
L.N. 45 of 1984;
L.N. 90 of 1994.

SECOND SCHEDULE

Requirements as to Composition for Soft Drinks, other than Semi Sweet Soft Drinks, for Consumption after Dilution

The requirements as to composition for soft drinks, other than any soft drink sold as a semi-sweet drink for consumption after dilution shall be those shown in the Table below.

TABLE

Column 1	Column 2	Column 3	Column 4	Column 5	Column 6
Description of soft drink	Minimum quantity of fruit juice (expressed in terms of juice of natural strength) or potable fruit content, as the case may be	Minimum quantity of added sugar per litre	Maximum quantity of saccharine, calcium saccharine or sodium saccharine per 45.4 litres	Maximum quantity of permitted aspartame in the beverage as consumed	Maximum quantity of acesulfame K permitted in the beverage as consumed
Citrus juice and barley water	15% citrus fruit juice by volume	225grams	19 grams	0.1%	300 milligrams per litre or 13.62 grams per 45.4 litres
Citrus squashes (including citrus squashes containing a bitter principle) not otherwise specified in this Schedule	25% citrus fruit juice by volume	225 grams	19 grams	0.1%	300 milligrams per litre or 13.62 grams per 45.4 litres
Any description of soft drink containing a mixture of citrus and non citrus fruit juices not otherwise specified in this Schedule	25% fruit juice by volume	225 grams	19 grams	0.1%	300 milligrams per litre or 13.62 grams per 45.4 litres
Comminuted citrus fruit and barley drinks	7% potable citrus fruit content by weight in volume	225 grams	19 grams	0.1%	300 milligrams per litre or 13.62 grams per 45.4 litres
Comminuted citrus drinks (including comminuted citrus drinks containing a bitter principle or any citrus or non-citrus juice) not otherwise specified in this Schedule	10% potable citrus fruit content by weight in volume	225 grams	19 grams	0.1%	300 milligrams per litre or 13.62 grams per 45.4 litres
Non-citrus fruit squashes	10% non-citrus fruit juice by volume 225 grams	225 grams	19 grams	0.1%	300 milligrams per litre or 13.62 grams per 45.4 litres
Any description of soft drink (except those mentioned in the First Schedule) not otherwise specified in this Schedule	-	225 grams	19 grams	0.1%	300 milligrams per litre or 13.62 grams per 45.4 litres

THIRD SCHEDULE

Amended by:
L.N. 45 of 1984;
L.N. 90 of 1994.

**Requirements as to Composition for Semi-sweet Soft Drinks
for Consumption without Dilution**

The requirements as to composition for soft drinks, sold as semi-sweet soft-drinks, for consumption without dilution shall be those shown in the Table below.

TABLE

Column 1	Column 2	Column 3		Column 4	Column 5	Column 6
Description of semi-sweet soft drinks	Minimum quantity of fruit juice (expressed in terms of juice of natural strength) or potable fruit content, as the case may be	Quantity of added sugar per litre		Maximum quantity of saccharine, calcium saccharine or sodium saccharine per 45.4 litres	Maximum quantity of permitted aspartame in the beverage as consumed	Maximum quantity of acesulfame K permitted in the beverage as consumed
		Minimum	Maximum			
Citrus juice and barley water	3% citrus fruit juice by volume	22.5 grams	30 grams	1.9 grams	0.1%	300 milligrams per litre or 13.62 grams per 45.4 litres
Lime crushes, lime juice and soda	3% lime fruit juice by volume	22.5 grams	30 grams	1.9 grams	0.1%	300 milligrams per litre or 13.62 grams per 45.4 litres
Citrus crushes (including citrus crushes containing a bitter principle) not otherwise specified in this Schedule	5% citrus fruit juice by volume	22.5 grams	30 grams	1.9 grams	0.1%	300 milligrams per litre or 13.62 grams per 45.4 litres
Any description of soft drink containing a mixture of citrus and non citrus fruit juices not otherwise specified in this Schedule	5% fruit juice by volume	22.5 grams	30 grams	1.9 grams	0.1%	300 milligrams per litre or 13.62 grams per 45.4 litres
Comminuted citrus fruit and barley drinks	1½% potable citrus fruit content by weight in volume	22.5 grams	30 grams	1.9 grams	0.1%	300 milligrams per litre or 13.62 grams per 45.4 litres
Comminuted citrus drinks (including comminuted citrus drinks containing a bitter principle or any citrus or non-citrus juice) not otherwise specified in this Schedule	2% potable citrus fruit content by weight in volume	22.5 grams	30 grams	1.9 grams	0.1%	300 milligrams per litre or 13.62 grams per 45.4 litres

Column 1	Column 2	Column 3		Column 4	Column 5	Column 6
Description of semi-sweet soft drinks	Minimum quantity of fruit juice (expressed in terms of juice of natural strength) or potable fruit content, as the case may be	Quantity of added sugar per litre		Maximum quantity of saccharine, calcium saccharine or sodium saccharine per 45.4 litres	Maximum quantity of permitted aspartame in the beverage as consumed	Maximum quantity of acesulfame K permitted in the beverage as consumed
		Minimum	Maximum			
Any description of soft drink containing fruit juice not otherwise specified in this Schedule.	5% fruit juice by volume	22.5 grams	30 grams	1.9 grams	0.1%	300 milligrams per litre or 13.62 grams per 45.4 litres

Amended by:
L.N. 45 of 1984;
L.N. 90 of 1994.

FOURTH SCHEDULE

Requirements as to Composition for Semi-Sweet Soft Drinks for Consumption after Dilution

The requirements as to composition for soft drinks, sold as semi-sweet soft drinks, for consumption after dilution shall be those shown in the Table below.

TABLE

Column 1	Column 2	Column 3		Column 4	Column 5	Column 6
Description of semi-sweet soft drinks	Minimum quantity of fruit juice (expressed in terms of juice of natural strength) or potable fruit content, as the case may be	Quantity of added sugar per litre		Maximum quantity of saccharine, calcium saccharine or sodium saccharine per 45.4 litres	Maximum quantity of permitted aspartame in the beverage as consumed	Maximum quantity of acesulfame K permitted in the beverage as consumed
		Minimum	Maximum			
Citrus juice and barley water	15% citrus fruit juice by volume	110 grams	150 grams	9.5 grams	0.1%	300 milligrams per litre or 13.62 grams per 45.4 litres
Citrus squashes (including citrus squashes containing a bitter principle) not otherwise specified in this Schedule	25% citrus fruit juice by volume	112.5 grams	150 grams	9.5 grams	0.1%	300 milligrams per litre or 13.62 grams per 45.4 litres
Comminuted citrus fruit and barley drinks	7% potable citrus fruit content by weight in volume	112.5 grams	150 grams	9.5 grams	0.1%	300 milligrams per litre or 13.62 grams per 45.4 litres

Column 1	Column 2	Column 3		Column 4	Column 5	Column 6
Description of semi-sweet soft drinks	Minimum quantity of fruit juice (expressed in terms of juice of natural strength) or potable fruit content, as the case may be	Quantity of added sugar per litre		Maximum quantity of saccharine, calcium saccharine or sodium saccharine per 45.4 litres	Maximum quantity of permitted aspartame in the beverage as consumed	Maximum quantity of acesulfame K permitted in the beverage as consumed
		Minimum	Maximum			
Comminuted citrus drinks (including comminuted citrus drinks containing a bitter principle or any citrus or non-citrus juice) not otherwise specified in this Schedule	10% potable citrus fruit content by weight in volume	112.5 grams	150 grams	9.5 grams	0.1%	300 milligrams per litre or 13.62 grams per 45.4 litres
Non-citrus fruit squashes	10% non-citrus fruit juice by volume	112.5 grams	150 grams	9.5 grams	0.1%	300 milligrams per litre or 13.62 grams per 45.4 litres
Any description of soft drink containing a mixture of citrus and non-citrus fruit juice not otherwise specified in this Schedule	25% fruit juice by volume	112.5 grams	150 grams	9.5 grams	0.1%	300 milligrams per litre or 13.62 grams per 45.4 litres