

# **The Honey Regulations 2003**

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## **Guidance Notes**

## Important Note

*This Guidance has been produced with the aim of providing informal, non-statutory advice and should be read in conjunction with the appropriate legislation. The text should not be taken as an authoritative statement or interpretation of the law, as only the courts have this power. Every effort has been made to ensure that these guidance notes are as helpful as possible. However, it is ultimately the responsibility of individual businesses to ensure their compliance with the law. Businesses with specific queries may wish to seek the advice of their local enforcement agency, which will usually be the Local Authority Trading Standards Department.*

### Revisions:

*Version 2.0 (July 2005)*

In this version, several areas of text have been modified and elaborated, in order to clarify the guidance.

#### The Revisions

- Make reference to the dates upon which analogous legislation in Scotland, Wales and N. Ireland came into force. (Section 1.1)
- Add text to highlight that honey is subject to the general labelling provisions of the Food Labelling Regulations 1996 (as amended) and the need for honey to bear a “best before” date. (Section 1.4)
- Clarify the text on country of origin marking and topographical origin for honey.
- Add a section to explain labelling requirements for honey which is prepacked for direct sale. (Section 4.6)
- Amend the Agency contact names for further information. (Section 7)
- Make reference to The Honey (Amendment) (England) Regulations 2005 which correct certain transposition errors in The Honey (England) Regulations 2003 as from 31 August 2005. (Section 1.3)

#### The 2007 amendment:

- Amends the section on infant botulism in the light of recommendations by the Advisory Committee on the Microbiological safety of food.

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### 1. Introduction

#### 1.1 The relevant legislation

These Guidance notes relate to the provisions of the following legislation:

- EC Directive 2001/110 relating to honey
- The Honey (England) Regulations 2003 (SI 2003 No 2243)
- The Honey (Amendment) (England) Regulations 2005 (SI 2005 No 1920)
- The Honey Regulations (Northern Ireland) 2003 (S.R.2003 No.383)
- The Honey (Scotland) Regulations 2003 (SSI 2003 No 569)
- The Honey (Wales) Regulations 2003 (SI 2003 No 3044 (W.288))

Please note that throughout this guidance, where the phrase ‘the Regulations’ is used, this should be taken as referring to The Honey (England) Regulations 2003.

In addition, all products covered by the Regulations must also comply with the general provisions of the Food Safety Act 1990, under which the majority of food legislation in Great Britain is made<sup>1</sup>, and the general rules governing the labelling of foods laid down by the Food Labelling Regulations 1996 (FLR).

#### 1.2 Legislation in the devolved administrations

Following the process of devolution, food legislation is now commonly made on a separate basis in England, Scotland, Wales and Northern Ireland. This is the case with the four separate sets of Honey Regulations. Therefore the England Regulations apply only in England, the Scotland Regulations apply only in Scotland, and so on.

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<sup>1</sup> In Northern Ireland, the equivalent legislation is the Food Safety (Northern Ireland) Order 1991.

However, the four sets of Regulations are substantially similar. References to regulation numbers and subsections of regulations in these guidance notes refer to the English Regulations only.

### 1.3 Purpose of the legislation

The Honey (England) Regulations 2003 came into force on 25 September 2003 in England (subject to transitional provisions – see paragraph 5.3 below) and implement in England the provisions of EC Directive 2001/110 relating to honey. The Regulations therefore lay down specifications with which a product must comply in order to be described as “honey”; and provide additional labelling requirements for these products.

The Regulations revoke and **replace** the Honey Regulations 1976 (SI 1976 No.1832).

Users of this Guidance should note that an amendment to the 2003 Regulations comes into force on 31 August 2005. However, it should be noted that The Honey (Amendment) (England) Regulations 2005 do not alter the provisions of the 2003 Regulations other than to correct the following errors that occurred during transposition of the Directive into English law:

- The amending Regulations add the reserved description ‘pressed honey’ to the list of specified honey products which may, by way of Note 1 to Schedule 1 of the Regulations, be described simply as ‘honey’.
- The amending Regulations add ‘bakers honey’ and remove ‘pressed honey’ from the list of exceptions to the reserved descriptions which may be additionally described by their vegetable, regional, territorial or topographical origin, or by their specific quality criteria, in Note 3 to Schedule 1 of the Regulations. They also correct a miss-spelling in the word ‘physico-chemical’ in Note 3 of Schedule 1 of the Regulations. This word was also mis-spelled in Scotland and will be corrected in their amendment.

Enforcement authorities and relevant interested parties have been made aware of the errors and the amending Regulations which are now in place to correct them. Similar but separate correcting legislation where required is being implemented in Scotland, Wales and Northern Ireland.

## **1.4 New Regulations: - differences from the 1976 Honey Regulations**

The new provisions are broadly in line with those of the 1976 Regulations, which they replace. However, the new Regulations differ on the following points:

- (a) There is a new requirement to label the country or countries of origin where the honey was harvested (see paragraph 2.4 below). In addition there are also specific forms of words laid down for blended honeys
- (b) The products covered by the Regulations are now subject to the general provisions of the FLR. In practice this means that honey products must now be labelled with an appropriate durability indication (best before date) – see also section 4.
- (c) There is a new reserved description for finely-filtered honey; which must be labelled as “filtered honey“ (see paragraphs 2.4 and 4.2 below)
- (d) There are additional labelling requirements for “baker’s honey” (see paragraphs 2.5 and 4.2 below)
- (e) Filtered honey and baker’s honey may not be labelled with additional information on the floral or vegetable origin; regional or topographical origin; or specific quality criteria (see paragraph 4.3 below)
- (f) There are new requirements on the electrical conductivity of honey (see paragraph 3.1 below)
- (g) The UK’s previous derogation for a higher hydroxymethylfurfural (HMF) limit of 80mg/kg has been removed. Honey must now meet the 40mg/kg limit except for honeys which come from tropical climates or blends of these in which case a higher limit of 80mg/kg is permitted. HMF is a sugar breakdown product and is used as an indicator of honey quality since it increases with temperature and storage time.
- (h) There have been a number of other minor changes in the detail of the specifications laid down for certain specified honey products (these are found at Annex II at the end of this guidance)

## **2. Scope of the Regulations**

### **2.1 Products covered by the Regulations**

The Regulations apply to “specified honey products”, i.e., a food covered by the reserved descriptions in Schedule 1, and which contains no added

ingredients. Throughout this guidance, the phrase “specified honey product” is used to mean a food within the scope of the Regulations.

The labelling provisions (including the use of the reserved descriptions) apply to specified honey products offered for sale to the ultimate consumer or a catering establishment. The provisions relating to the labelling of baker’s honey and filtered honey sold in bulk containers (Regulation 5) apply at all stages of the supply chain.

## **2.2 Reserved descriptions - General**

Regulation 3; Regulation 4(1)(a); Schedules 1 and 2

Reserved descriptions are controlled sales names that apply to specified honey products. The Regulations provide that a food offered for sale to the ultimate consumer or a catering establishment may not be described using one of the reserved descriptions unless it meets the relevant specifications laid down in Schedules 1 and 2. Additionally, the reserved descriptions are “names prescribed by law” for the purposes of Regulation 6(1) of the FLR. Therefore the name under which a specified honey product is sold must be (or include) a reserved description.

The reserved descriptions may also be used in the name of a food in the following circumstances:

- a) where it is clear that the specified honey product to which the reserved description relates is only an ingredient of the food. (e.g., “honey cake”, “honey roast ham”, “honey and bran muffin”)
- b) where it is clear that the food is not, and does not contain, the specified honey product to which the reserved description relates. (e.g., “honey substitute”)

## **2.3 Reserved descriptions – Added ingredients**

Regulation 2(2)(ii)

A food may only be considered a “specified honey product” if it has not had any other ingredient added to it. In effect therefore, honey that contains added ingredients may not be described as “honey” (or by any of the reserved descriptions).

The purpose of this provision is to maintain the purity of honey, which is perceived by the consumer to be an entirely natural product with nothing added or taken away. Substances such as residues of veterinary drugs, contaminants such as heavy metals or additives should not be present in honey. This provision does not preclude the sale of honey with declared

ingredients, provided that a suitable “name of the food” is used. For example “honey with cherries”, or “honey and x”. This type of food is effectively a product containing honey as an ingredient. As such, the flexibility described in point (a) above allows a reserved description (such as “honey”) to be used in the name of the food.

## **2.4 Reserved descriptions – Filtered honey**

Schedule 1, item 8

Filtered honey is defined as “honey obtained by removing foreign inorganic or organic matters in such a way as to result in the significant removal of pollen”.

It is common practice in the industry to filter honey under pressure in order to remove unwanted matter from the honey. As a result of the way in which honey is produced and harvested, a certain amount of unwanted matter (e.g., small pieces of comb, dead bees etc.) is effectively unavoidable. It will still be acceptable to treat honey in this way without requiring it to be labelled “filtered honey”.

However, where fine filters are used such that a significant amount of pollen is removed e.g., where honey is finely filtered to improve the shelf-life and clarity, the product will need to be described as “filtered honey” and not simply “honey”. “Significant” is not defined within the Regulations or the Directive. In cases of dispute the onus would therefore be on the supplier to provide evidence and demonstrate the amount of pollen removed. Ultimately it would be for the courts to decide.

## **2.5 Reserved descriptions – Baker’s honey**

Schedule 1, item 9

Baker’s honey is defined as honey that is “suitable for industrial uses or as an ingredient in other foodstuffs which are then processed; and may have a foreign taste or odour; have begun to ferment or have fermented; or “have been overheated”. In summary “bakers honey” is honey that is outside the normal specification.

Baker’s honey will normally be subjected to further processing for use in bakery products or other processed products, and direct sales at retail level will be very limited. Therefore, the specific criteria laid down for moisture content, free acid, diastase activity and HMF content are more generous for baker’s honey. (These criteria are indicators of the degree to which the honey has or is likely to ferment. HMF is a sugar breakdown product and is used as

an indicator of honey quality since it increases with temperature and storage time.)

There are also additional labelling provisions specific to baker's honey. These are described at paragraph 4.2 below.

### 3. Specifications for specified honey products

#### 3.1 Reserved descriptions – specific requirements

Schedule 1; Schedule 2

Schedule 1 provides the reserved descriptions for specified honey products. The various reserved descriptions relate to:

- the source from which the honey is obtained (e.g., “blossom honey”, “honeydew honey”)
- the processes by which the honey is extracted (e.g., “drained honey”, “pressed honey”),
- the way in which the honey is presented to the consumer (e.g., “comb honey”, “chunk honey”)

Schedule 2 provides the detailed specifications with which the honey must comply, (taking account of the floral origin of the honey, and with more generous specifications in certain respects for baker's honey in respect of the hydroxymethylfurfural (HMF) limits). The Schedule provides specifications in respect of the following criteria:

- Sugar content (including content of sucrose, fructose and glucose);
- Moisture content
- Water-insoluble content
- Electrical conductivity
- Free acid
- Diastase activity and hydroxymethylfurfural (HMF) content

Schedule 2 also provides general quality criteria for honey. Honey that is sold as such, as well as honey that is used as an ingredient in another food (with the exception of baker's honey) **must not**:

- have any foreign tastes or odours
- have begun to ferment
- have an artificially changed acidity
- have been heated in such a way that the natural enzymes have been either destroyed or significantly inactivated

In addition, no pollen or constituent particular to honey may be removed except where this is unavoidable in the removal of foreign inorganic or organic matter (see also paragraph 2.4 above relating to finely-filtered honey).

***Schedules 1 and 2 are reproduced in Annexes I and II respectively of this guidance.***

### **3.2 Application of Schedule 2 in the supply chain**

The specifications laid down in the Schedules apply when a specified honey product is sold to the ultimate consumer or a catering establishment. Therefore, where honey is sold other than to these consumers, in theory the specific criteria relating to the use of the reserved descriptions do not apply. This also has the effect that the specifications do not apply to honey at the point of import – if that honey is not ready for delivery to the ultimate consumer or a catering establishment.

However, it is quite possible that the specific criteria laid down in Schedule 2 will continue to be relevant where honey is used as an ingredient of another food. Where honey is used as an ingredient, it must be described appropriately in the product's list of ingredients. Such honey may only be described using a reserved description, if the honey complied, at the time of its use as an ingredient, with the relevant compositional criteria.

It is important to note that other relevant food law, and relevant offences under the Food Safety Act will continue to apply, regardless of who the honey is sold to e.g. where honey is found to be contaminated or otherwise unfit for human consumption. Bakers honey and filtered honey sold in bulk containers are caught in this provision at the supply stage under Regulation 5 of the Honey Regulations.

## **4. Labelling of specified honey products**

Regulation 4 provides the labelling requirements for specified honey products; these are described below. There are also labelling requirements specific to baker's honey and filtered honey, as well as further provisions covering certain labelling information where it is provided on a voluntary basis.

As well as the specific labelling provisions of the Regulations, specified honey products are also subject to the general labelling rules of the FLR. In particular, this includes the requirement to give a "best before" date and any

special storage instructions on the label of specified honey products (see Regulation 5 of FLR). This is because Regulation 10(4) of the new Honey Regulations specifically revokes Regulation 4(2) c of the FLR which previously exempted "any honey as defined by the Honey Regulations 1976" from the scope of Part II of the FLR which included providing a durability indication. It is for honey packers and sellers to determine what a suitable shelf life for their product should be taking into account the nature of the product. In addition, Regulation 6 of the Honey Regulations requires that any information with which a product is labelled as a result of the Honey Regulations, must be presented according to the manner of marking provisions in the FLR. These are explained at paragraph 4.5 below. Section 15 of the Food Safety Act makes it an offence to falsely describe food or to mislead as to the nature of substance or quality of the food.

*Separate Agency Guidance Notes on the provisions of the FLR are available from the address given at Section 7.*

#### **4.1 General labelling requirements**

Regulation 4

Regulation 4 requires that specified honey products must be labelled with the following information when offered for sale to the ultimate consumer or a catering establishment:

- (i) A reserved description: Regulation 4(1)(a) requires that a specified honey product is labelled with an appropriate reserved description. This will generally be the reserved description laid down for that product in Schedule 1. However, in the case of blossom honey, nectar honey, honeydew honey, drained honey and pressed honey, the Regulations permit, by way of Note 1 to Schedule 1, the simple description 'honey' to be used as an alternative to the reserved description. It should be noted that the 2003 Regulations have now been amended to correct an error on this point as they erroneously failed to include 'pressed honey' in the list of those specified products that may alternatively be described as 'honey'. The Honey (Amendment) (England) Regulations 2005 (Statutory Instrument 2005 No 1920) correct this error in England. Analogous changes will apply in Northern Ireland, Scotland and Wales.

Further information can be obtained from the address at the end of these guidance notes.

The reserved description used will be considered the "name of the food" for the purposes of the Food Labelling Regulations. The FLR allow the reserved

description to be supplemented with additional words that make it more precise, but these must be clarifying and not misleading.

(ii) The country or countries of origin: This will be the country or countries in which the honey was harvested. Where the honey is a blend of honeys from more than one country, as an alternative to listing the various countries of origin, (for example “a blend of German and French honeys”) one of the following statements may be used, as appropriate:

- “blend of EC honeys”
- “blend of non-EC honeys”
- “blend of EC and non-EC honeys”

The Regulations (and the Directive) do not define “country”. It is the Agency’s view that “country” could represent the UK (i.e. the Member State), or the individual country (for example ‘England’, ‘Scotland’, or ‘Wales’ etc.) where the honey was harvested. Similarly, the Regulations do not lay down a precise form of words that must be used for declaring the individual country (or countries) of origin of honey. So, statements such as ‘produce of England’, ‘UK honey’ or ‘made from honey harvested in the UK’, or similar forms of words provided they are not misleading, would all be acceptable.

In addition, with the exception of filtered and baker’s honey, the Regulations allow for description of the regional, territorial or topographical origin of honey to appear on the label. Therefore honey that is harvested in Wiltshire could include a statement such as “Wiltshire Honey” on the label, but this would have to be accompanied by an additional statement such as “Produce of England” or “Produce of UK” elsewhere on the label in order to fulfil the (mandatory) country of origin requirements of the legislation. **It is not enough simply to provide a manufacturers address on the label as this is not sufficient as a declaration of country of origin.**

Ultimately, it would be for a court to decide whether a given label statement reasonably identifies the country of origin of honey, in cases of dispute.

#### **4.2 Labelling provisions specific to baker’s honey and filtered honey**

Regulations 4 and 5

(i) Baker’s honey and filtered honey may not be labelled with additional information relating to its floral or vegetable origin; its regional, territorial or topographical origin; or its specific quality criteria (see also paragraph 4.3 below). You should note that the English and N. Ireland versions of the Regulations contained an error on this point: Note 3 to Schedule 1 contained a printing error and the phrase “items 7 and 8” (which refer the reader to ‘pressed honey’ and ‘filtered honey’ should read “items 8 and 9” (i.e. ‘baker’s honey’ and ‘filtered honey’) to coincide with the requirements of the EC

Directive. An Amending Statutory Instrument has been made that corrects this error in England (Statutory Instrument 2005 No 1920). Similar but separate correcting legislation in N. Ireland is necessary on this provision. Further information can be obtained from the address at the end of these guidance notes.

(ii) Where baker's honey or filtered honey is sold in bulk containers or packs, the full product name must appear on both the container and on any accompanying trade documents. In effect, this means that baker's honey and filtered honey sold in this way may not simply be labelled as "honey". The term "trade documents" includes all documents relating to the sale, transportation, storage or delivery of the product.

The term "bulk containers or packs" is not defined as such in the Regulations, but this provision is understood to cover the sale of honey in any container, which is later filled into consumer packaging and not honey in the consumer packaging itself. As such the provisions will usually apply to the sale of honey to food processors and manufacturers etc. (NB – this provision applies at all stages of the supply chain, not only to sales to the ultimate consumer or a catering establishment).

(iii) When baker's honey is sold as food in its own right, it must be labelled with the words "intended for cooking only". This declaration must appear close to the name of the food.

(iv) In the case of a food product *containing* baker's honey as an ingredient, the "name of the food" may include a reference to simply "honey" rather than "baker's honey" the full reserved description. Hence a product may be called "honey cake" rather than "baker's honey cake", but 'baker's honey' must appear on the list of ingredients.

It is the view of the Agency that in cases where honey does not appear in the product name then the ingredients list may then refer simply to "honey".

Example 1: "Honey cake" prepared with baker's honey. Honey may be used in the product name but the ingredients list must specify that "baker's honey" has been used (Reg'n 4(3) and Note 2 to Schedule 1).

Example 2: "Coconut cake" prepared with baker's honey. In this case the Agency's view is that Baker's honey used as an ingredient could be labelled as simply 'honey' in the ingredient list (Note 2 to Schedule 1).

All other types of honey, except filtered honey can be labelled as “honey” in the ingredient list (Note 1 to Schedule 1).

### 4.3 Optional labelling information

The Regulations contain further rules to cover certain labelling information that can be provided on a voluntary basis. The Regulations allow honey (with the exception of baker’s honey and filtered honey) to be labelled with the following information, where certain requirements are met:

- (i) *Floral or vegetable origin*: provided that the honey is derived wholly or mainly from the indicated source, and that it meets the specifications relevant to the floral or vegetable source in question (i.e., as contained in Schedule 2).

Although reference to the use of pictorial images is now no longer specifically covered within the new regulations, this is still covered by the FLR and Trades Descriptions Act which would make it an offence, for example, to use identifiable flowers on labels if honey is not derived from that flower.

- (ii) *Regional, territorial or topographical origin*: provided that the honey comes entirely from the indicated source.
- (iii) *Specific quality criteria*: this provision relates to additional descriptions that emphasise the quality of the product. *Businesses are also advised to take account of the Agency’s Guidance Notes on the use of labelling terms such as “pure”, “fresh” and “natural” (which are available from the address found at Section 7 below).*

As detailed in 4.2 (1) an amending Statutory Instrument (2005 No 1920) corrects an error which incorrectly permitted ‘bakers honey’ to be additionally labelled with specific quality criteria.

### 4.4 Voluntary labelling

Since 1996 the British Honey Importers and Packers Association (BHIPA) have adhered to a voluntary labelling code whereby all honey on retail sale includes a warning statement that “**honey should not be given to infants under 12 months of age**”.

This is as a precautionary measure against possible infant botulism which could potentially arise from the presence of *Clostridium botulinum* spores in honey. The Agency continues to support this voluntary warning for infants under 12 months and although not obligatory the Agency recommends that other packers and suppliers should follow the example of the BHIPA initiative.

The voluntary warning statement only relates to honey sold as such, and does not apply to commercially produced baby or weaning foods which may contain honey as an ingredient, where the heat treatment applied to these products is considered sufficient to destroy the presence of any *Clostridium botulinum* spores which may have been present.

The Agency's advice takes into account the recommendation of the Advisory Committee on the Microbiological Safety of Food, according to which honey should not be added to foods specifically targeted at infants under 12 months of age unless these foods receive a full botulinum cook<sup>2</sup> or equivalent process control.

#### **4.5 Presentation of the labelling information**

Regulation 6; FLR Regulation 35,36(1) and (5) and 38

Any labelling information with which a specified honey product is required to be marked by the Regulations, or by the FLR (as well as any labelling information provided on a voluntary basis) must be presented in line with the manner of marking provisions of the FLR (i.e., Regulations 35, 36(1) and (5) and 38). These are explained below:

##### 4.5.1 General provisions

The general manner of marking rules require that any information with which a product is required to be labelled must appear: on the packaging; on a label attached to the packaging; or on a label clearly visible through the packaging.

Where a food is sold other than to the final consumer, the labelling information may be provided alternatively in commercial documents, which either accompany the food or are sent before or at the same time as the delivery of the food. Even where this is done the name of the food, the appropriate durability indication and the name/address of the manufacturer/seller must also be on the outer packaging of the food.

##### 4.5.2 Flexible provisions

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<sup>2</sup> Normally this consists of heating the food to a core temperature of at least 121°C for 3 minutes

The FLR also provide some flexibility for the way in which the required labelling information is presented for foods that are: not prepacked (i.e., sold loose); or prepacked for direct sale.

The labelling information for these products may appear: on a label attached to the food; or on a menu, notice, ticket or label that is readily discernible by the intending purchaser at the place where he or she chooses the food

Where these products are sold other than to the final consumer, the labelling information may be provided in commercial documents, providing the documents either accompany the food or are sent before or at the same time as the delivery of the food.

#### **4.6 Prepacked for direct sale**

Reg 23 FLR

The term “prepacked for direct sale” is defined in the FLR as a food that is prepacked by a retailer for sale by him or her on the premises where the food is packed, or from a vehicle or stall used by him or her.

Products which fall within this category will be subject to certain exemptions by virtue of Regulation 23 of the FLR. This applies to honey harvested at home and sold at the home, farmgate or in market stalls. Regulation 4(1) of the Honey Regulations requires certain additional labelling information such as an origin declaration to be given on specified honey products. It does provide that this is without prejudice to the generality of Part II of the Food Labelling Regulations 1996, which means that the general provisions in that part of the 1996 Regulations continue to apply. Part II of the 1996 Regulations through the application of regulation 23 provides that certain products which are prepacked for direct sale are exempt from the majority of the labelling requirements specified in Regulation 5 of the FLR, with certain specified exceptions. Since country of origin labelling is part of Regulation 5 (by way of Regulation 5(f) which is implemented via the 1998 amendment to the FLR), it is the Agency’s opinion that honey prepacked for direct sale may be exempt from the origin labelling requirements of the Honey Regulations. It should be noted though that this exemption would only apply for honey that is prepacked for direct sale. Honey sold other than prepacked for direct sale must be labelled with its country of origin in accordance with the Honey Regulations.

## **5. Enforcement issues**

## **5.1 Offences and penalties**

Regulation 7(1)

The Regulations create offences where a person sells, offers for sale or exposes for sale:

- a food bearing one of the reserved descriptions, where that reserved description is not used in line with the requirements of Regulation 3 (explained at paragraph 2.2 above);
- a specified honey product that is not labelled in line with the requirements of Regulations 4 and 5.

The penalty on conviction for an offence under the Regulations is a fine not exceeding level 5 on the standard scale (currently £5,000).

## **5.2 Responsibility for enforcement**

Regulation 7(2)

Local Food Authorities are responsible for the enforcement of the Regulations. In practice this will usually be the Trading Standards Department at the Local Authority. Businesses with specific queries may wish to seek the advice of their local enforcement agency, or their home authority where appropriate.

Contact details for Local Authorities are available from the Agency's website at [www.food.gov.uk](http://www.food.gov.uk)

## **5.3 Coming into force date and transitional arrangements**

Regulations 1 and 11

The Regulations came into force on 25 September 2003.

In addition, the Regulations provided a transitional period up until 1<sup>st</sup> August 2004. Products labelled or marked before this date can continue to be sold until stocks have been used up, providing their labelling complies with the 1976 Honey Regulations, and the general provisions of the FLR.

## **5.4 Defence in relation to exports**

Regulation 8

In any legal proceedings for an offence under the Regulations, it is a defence to prove that the food in question was intended for export to a country outside the EEA that has legislation analogous to the Regulations, and that the food complies with that legislation. In the case of exports to another EEA state

(i.e., one of the 24 other EC Member States as well as Norway, Liechtenstein and Iceland), the defendant must prove that the legislation of the importing country complies with the provisions of the EC Honey Directive (2001/110).

Where a product is intended for export to a country outside the EEA, and which has no analogous legislation, the product must comply with the England Regulations (or Scotland, Wales or Northern Ireland Regulations where appropriate).

## **6. Methods of analysis**

The Commission through the Official Methods Directive (85/951/EEC) has been steadfastly moving away from applying specific methods for the analysis of foods, favouring a more general approach which would permit periodic technical advances and allow the use of any method which essentially meets the criteria laid out in the Annex to 85/951/EEC. The regulations no longer specify individual methods required for analysis of each of the specific criteria listed. Any appropriate internationally recognised validated method may be used to ensure honey meets the specifications necessary to be labelled with a reserved description. Acceptable methods for the specific quality criteria contained in the new Regulations would include those cited in the Revised Codex Standard for Honey (Codex Alimentarius Commission 2001, Revised Standard for Honey Codex STAN 12-1981, Rev 2 2001) and *Apidologie Extra Issue*, 1997, Harmonised Methods of the European Honey Commission.

## **7. Further information**

For further information on the legislation and policy relating to Honey, please contact:

Food Labelling and Standards Division - Room 115c  
Food Standards Agency  
Aviation House  
125 Kingsway  
London WC2B 6NH  
Telephone: 020 7276 8159 or 8154  
Fax: 020 7276 8193  
e-mail: [Michelle.McQuillan@foodstandards.gsi.gov.uk](mailto:Michelle.McQuillan@foodstandards.gsi.gov.uk)  
[Donatella.Howe@foodstandards.gsi.gov.uk](mailto:Donatella.Howe@foodstandards.gsi.gov.uk)  
or [Richard.Wood@foodstandards.gsi.gov.uk](mailto:Richard.Wood@foodstandards.gsi.gov.uk)

For further information and Guidance Notes relating to the provisions of the Food Labelling Regulations, please write to the address above, or contact: **020 7276 8147**

For further information on the legislation in the devolved administrations, please contact:

**In Wales/Cymru:**

Food Standards Agency Wales  
11<sup>th</sup> Floor, Southgate House  
Wood Street  
Cardiff CF10 1EW  
Telephone: 029 20 678999  
E-mail: [wales@foodstandards.gsi.gov.uk](mailto:wales@foodstandards.gsi.gov.uk)

**In Scotland:**

Food Standards Agency Scotland  
St Magnus House  
6<sup>th</sup> Floor  
25 Guild Street  
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## Annex I

### SCHEDULE 1

Regulation 2(1)

#### SPECIFIED HONEY PRODUCTS AND THEIR RESERVED DESCRIPTIONS

<i>Column 1</i> <i>Reserved descriptions</i>	<i>Column 2</i> <i>Specified honey product</i>
1a. blossom honey <i>or</i> } 1b. nectar honey }	honey obtained from the nectar of plants
2. honeydew honey	honey obtained mainly from excretions of plant sucking insects ( <i>Hemiptera</i> ) on the living part of plants or secretions of living parts of plants
3. comb honey	honey stored by bees in the cells of freshly built broodless combs or thin comb foundation sheets made solely of beeswax and sold in sealed whole combs or sections of such combs
4a. chunk honey <i>or</i> } 4b. cut comb in honey }	honey which contains one or more pieces of comb honey
5. drained honey	honey obtained by draining de-capped broodless combs
6. extracted honey	honey obtained by centrifuging de-capped broodless combs
7. pressed honey	honey obtained by pressing broodless combs with or without the application of moderate heat not exceeding 45°C
8. filtered honey	honey obtained by removing foreign inorganic or organic matters in such a way as to result in the significant removal of pollen
9. baker's honey	honey which is — <b>1.</b> suitable for industrial uses or as an ingredient in other foodstuffs which are then processed; and <b>2.</b> may — <b>3.</b> have a foreign taste or odour, <b>4.</b> have begun to ferment or have fermented, or <b>5.</b> have been overheated

Note 1: The description “honey” may be used for specified honey products specified in column 2 of items 1a, 1b, 2, 5, 6 and 7 of Schedule 1.

Note 2: Where the specified honey product specified in column 2 of item 9 is used as an ingredient in a compound foodstuff, the reserved description “honey” may be used in the product name of that compound foodstuff.

Note 3: Except in the case of products specified in column 2 of items 8 and 9 a specified honey product may additionally be described by —

(i) its floral or vegetable origin, if the product comes wholly or mainly from the indicated source and possesses the organoleptic, physio-chemical and microscopic characteristics of the source;

(ii) its regional, territorial or topographical origin, if the product comes entirely from the indicated source; and

(iii) its specific quality criteria.

## Annex II

### SCHEDULE 2

Regulation 2(2)

#### SPECIFICATIONS FOR SPECIFIED HONEY PRODUCTS

1.	Sugar content	
1.1.	Fructose and glucose content (sum of both)	
	– blossom honey	not less than 60 g/100 g
	– honeydew honey, blends of honeydew honey with blossom honey	not less than 45 g/100 g
1.2.	Sucrose content	
	– in general	not more than 5 g/100 g
	– false acacia ( <i>Robinia pseudoacacia</i> ), alfalfa ( <i>Medicago sativa</i> ), Menzies Banksia ( <i>Banksia menziesii</i> ), French honeysuckle ( <i>Hedysarum</i> ), red gum ( <i>Eucalyptus camaldulensis</i> ), leatherwood ( <i>Eucryphia lucida</i> , <i>Eucryphia milliganii</i> ), <i>Citrus</i> spp.	not more than 10 g/100 g
	– lavender ( <i>Lavandula</i> spp.), borage ( <i>Borago officinalis</i> )	not more than 15 g/100 g
2.	Moisture content	
	– in general	not more than 20%
	– heather ( <i>Calluna</i> ) and baker's honey in general	not more than 23%
	– baker's honey from heather ( <i>Calluna</i> )	not more than 25%
3.	Water-insoluble content	
	– in general	not more than 0.1 g/100 g
	– pressed honey	not more than 0.5 g/100 g
4.	Electrical conductivity	
	– honey not listed below and blends of these honeys	not more than 0.8 mS/cm
	– honeydew and chestnut honey and blends of these except with those listed below	not less than 0.8 mS/cm
	– exceptions: strawberry tree ( <i>Arbutus unedo</i> ), bell heather ( <i>Erica</i> ), eucalyptus, lime ( <i>Tilia</i> spp.), ling heather ( <i>Calluna vulgaris</i> ), manuka or jelly bush ( <i>Leptospermum</i> ), tea tree ( <i>Melaleuca</i> spp.)	
5.	Free acid	
	– in general	not more than 50 milli-equivalents acid per 1000 grammes

<ul style="list-style-type: none"> <li>- baker's honey</li> </ul>	<p>not more than 80 milli-equivalents acid per 1000 grammes</p>
<p>6. Diastase activity and hydroxymethylfurfural (HMF) content determined after processing and blending</p>	
<p>(a) Diastase activity (Schade scale)</p>	<p>not less than 8</p>
<p>- in general, except baker's honey</p>	
<p>- honeys with low natural enzyme content (e.g. citrus honeys) and an HMF content of not more than 15 mg/kg</p>	<p>not less than 3</p>
<p>(b) HMF</p>	<p>not more than 40 mg/kg (subject to the provisions of (a), second indent)</p>
<p>-in general, except baker's honey</p>	<p>not more than 80 mg/kg</p>
<p>-honeys of declared origin from regions with tropical climate and blends of these honeys</p>	

Note 1: When placed on the market as honey or used in any product intended for human consumption, honey must not:

(b) except in the case of baker's honey, have any foreign tastes or odours, have begun to ferment or have fermented, or have been heated in such a way that the natural enzymes have been either destroyed or significantly inactivated.

(c) have an artificially changed acidity.

Note 2: No pollen or constituent particular to honey may be removed except where this is unavoidable in the removal of foreign inorganic or organic matter.