

## **FRUIT PRODUCTS ORDER, 1955**

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## **PART :-**

### **FRUIT PRODUCTS ORDER, 1955**

<sup>1</sup>1. Published in the Gazette of India, Pt. II, Sec. 4, dated the 3rd May, 1955 and extended to in the Union Territory of Goa, Daman and Diu, Vide S.O. 702, dated 18th March, 1963. In exercise of the powers conferred by Sec. 3 of the Essential Commodities Act, 1955 (10 of 1955), the Central Government hereby makes the following Order, namely :

#### **1. . :-**

(1) This Order may be called the Fruit Products Order, 1955.

(2) It extends to the whole of India <sup>1</sup> [\*\*\*\*].

1. The words "except the State of Jammu and Kashmir" omitted by S.O. 3427. dated 11th September, 1968.

#### **2. In this Order, unless the context otherwise requires :-**

(a) "the Act" means the Essential Commodities Act, 1955 (10 of 1955);

(b) "Committee" means the Central Fruit Products Advisory Committee constituted by the <sup>1</sup>[Central Government] under Cl. 3;

(c) "Form" means a form set forth in the First Schedule; <sup>2</sup>

(cc) "Fruit nectar" means a beverage prepared from pulp of juice extracted from fully ripe and sound fruits;]

(d) "Fruit products" means any of the following articles, namely:

(i) synthetic beverages, syrups and sherbats;

(ii) vinegar, whether brewed or synthetic:

(iii) pickles;

(iv) dehydrated fruits and vegetables;

(v) squashes, crushes cordials, barley water, barrelled juice and ready-to- serve beverages <sup>2</sup>[ fruit nectars] or any other beverages containing fruit juices or fruit pulp;

(vi) jams, jellies and marmalades;

(vii) tomato products, ketchup and sauces;

(viii) preserves, candied and crystallised fruits and peels:

(ix) chutneys;

(x) canned and bottled fruits, juices and pulps;

(xi) canned and bottled vegetables;

(xii) frozen fruits and vegetables;

**4**(xtii) sweetened aerated waters and without fruit juice or fruit pulp;]

**5**[(xiv) fruit cereal flakes;]

**6**[(xv)] any other unspecified items relating to fruits or vegetables;

**7**[(dd) "label" means a display of written, printed, perforated, stencilled, embossed or stamped matter on the container of any fruit product;]

(e) "licensee" means a manufacturer to whom a licence is granted under this Order;

(f) "licence number" means the number of a licence granted to a manufacturer under this Order;

**8**[(g) "licensing officer" means **9**[the Director (Fruit and Vegetable Preservation Food Nutrition Board, Department of Food, Ministry of Agriculture.] Government of India, and includes any other officer empowered in this behalf by him with the approval of the Central Government;]

**10**[(h) "manufacturer" means a person engaged in the business of manufacturing fruit products for sale and includes any person who obtains fruit products from another person and **11**[packs or labels them for sale;]

(i) "schedule" means a schedule annexed to this Order;

**12**[(j) "sherbat" means any non-alcoholic sweetened beverage or syrup containing not less than 10 per cent fruit-juice or flavoured with non-fruit flavours, such as, rose khus, kewra, etc.;]

**13**[(k) synthetic beverage" means **14**[any sweetened non-alcoholic or non-aerated beverage] containing no fruit juice or having juice contents less than 10 per cent., with or without artificial flavour

and colour;]

(1) "synthetic syrup" means any non-alcoholic syrup containing less than 25 per cent. fruit juice and having artificial flavour and colour resembling fruits; and]

**15**[ **16** "[ (m) "term" means a calendar year or part thereof ending on the 31st day of December of that year.]

1. Subs. by S.R.O. 1259, dated 19th May, 1956:
2. Ins. by S.O. 5593, dated the 30th December, 1971.
4. Subs. by S.O. 741(E), dated 27th December, 1974.
5. Ins. by S.O. 5593, dated the 30th December, 1971.
6. Item No. (xvi) shall be Re-numbered by S.O. 5593.
7. Ins. by S.O. 5593.
8. Ins. by S.R.O. 1890, dated 9th May, 1968.
9. Subs. by S.O. 621, dated the 22nd January, 1972.
10. Subs. by S.O. 2942, dated 6th December, 1961.
11. Subs. by S.O. 5593, dated the 30th December, 1971.
12. Subs. by S.O. 5593.
13. Subs. by S.O. 3537, dated 28th October, 1972.
14. Subs. by S.O. 741(E), dated 27th December, 1974.
15. Subs. by S.R.O. 2120, dated 22nd September, 1956.
16. Renumbered by S.O. 3537, dated 28th October, 1972.

### **3. 3 :-**

(1) As soon as may be after the commencement of this Order, and thereafter at the interval of every two years, the Central Government shall, by order published in the Official Gazette, constitute a committee , to be called the Central Fruit Products Advisory Committee, <sup>1</sup>[which shall consist of the Joint Secretary to the Government of India in the Department of Food], who shall be the Chairman of the Committee, <sup>2</sup>[ the Executive Director, Food and Nutrition Board, Department of Food who shall be the Vice-Chairman of the Committee] and the following members, namely :

**3**[(a) one representative of the synthetic syrup, vinegar, murabba, chutney and pickle manufacturers to be nominated by the Licensing Officer;

(b) One representative of the squash and ready-to-serve beverage manufacturers, to be nominated by the Licensing Officer;

(c) two representatives of the manufacturer of canned fruits, canned vegetables, jams, jellies, marmalades and tomato products, to be nominated by the Licensing Officer;

**4**[(cc) one representative of the small scale manufacturer of murabba, chutney and pickles, to be nominated by the Licensing Officer;

(ccc) one representative of the small scale manufacturer of canned fruits, canned vegetables, jams, jellies and marmalades to be nominated by the Licensing Officer;]

(d) two persons possessing, in the opinion of the Licensing Officer, suitable technical qualifications with regard to the manufacture of fruit products, to be nominated by the Licensing Officer;

(e) one representative of exporters of fruit and vegetable products, to be nominated by the Licensing Officer;

(f) the Director, Central Food Technological Research Institute or his nominee;

(g) the Agricultural Commissioner to the Government of India or his nominee;

(h) the Technical Adviser to the Ministry of Food and Agriculture or his nominee;

(i) two representatives of fruit and vegetable growers in India to be nominated by the Licensing Officer.]

**5**[(ii) one representative of the Ministry of Health and Family Planning (Department of Health)].

**6**[(iii) two representatives of the manufacturers of sweetened aerated waters with or without fruit juice or fruit pulp;

(iv) one representative of the Indian Standard Institution;]  
Member-Secretary:

**7**[(j) The Director (Fruit and Vegetable Preservation) in the Department of Food].

(2) A member of the Committee shall hold office for the period for which the Committee has been constituted: Provided that a member may resign his office by notice in writing given to the Licensing Officer.

**8**[(3) If a vacancy occurs by death, resignation, efflux of time or otherwise in the office of any nominated member of the Committee, the vacancy so caused shall be filled by nomination under sub-section

(1), and any person appointed to fill a casual vacancy shall hold office so long only as the member in whose place he is nominated, would have held office."]

(4) The quorum of the Committee shall be five but subject thereto, the Committee may act notwithstanding any vacancy in its number.

(5) The Committee may regulate its proceedings in such manner as it thinks fit but

**9**[(6) The function of the Committee shall be to advise the Department of Food in the Government of India on any matter pertaining to Fruit Preservation Industry].

(7) The Central Government may, at any time. If it so deems expedient in the public interest, by order, dissolve the Committee and thereupon the Committee shall stand dissolved and all persons **10** [\* \* \* ] nominated to the Committee shall cease to be members thereof with effect from the date of the order: Provided that the Central Government shall take steps to reconstitute the Committee as soon as possible in the manner provided in sub-clause(d).

1. Subs. by S.O. 1890, dated 9th May, 1968.

2. Subs. by S.O. 621, dated the 22nd January, 1972, for the words "the licensing officer."

3. Subs. by S.O. 2942, dated 6th December, 1961.

4. Ins. by S.O. 166, dated 9th January, 1963.

5. Ins. by S.O. 5593, dated the 30th December, 1971.

6. Ins. by 741(E), dated 27th December, 1974.

7. Subs. by S.O. 621, dated the 22nd January, 1972.

8. Subs. by S.O. 2942, dated 6th December, 1961.

9. Subs. by S.O. 1890, dated the 9th May, 1968, published in the Gazette of India. Pt. II, Sec. 3(ii) , dated the 1st June, 1968.

10. Omitted by S.O. 2942, dated 6th December, 1961.

#### **4. 4 :-**

**1**

[(1)] No person shall carry on the business of a manufacturer except under and in accordance with the terms of an effective licence granted to him under this Order in Form "B". **2**[Nor shall he make use of the number of licence issued under this order on labels of non-fruit products;]

**3** [(2) A licence shall, unless sooner cancelled, be in force for such period as may be specified therein.

(3) An application for renewal of a licence shall be submitted to the Licensing Officer at least one month before the expiry of the period of validity of the licence.

(4) If an application for the renewal of a licence is made one month before the expiry of the period of validity of the licence, the licence shall continue to be in force until orders are passed on the application.]

1. Re-numbered by S.O. 2942.

2. Ins. by S.O. 582, dated the 5th February, 1965.

3. Ins. by S.O. 2942, dated 6th December, 1961.

## **5. 5 :-**

(1) Every application for the grant of licence under Cl. 4 shall be made in duplicate to the Licensing Officer in Form "A" and shall be accompanied by a fee of such amount as is appropriate to each of the class of licence for which such application is made under the provision of sub-clause (2).

**1**[(2) The following fees being approprialc fees shall be payable for one term or part thereof under sub-clause (i), namely:

**2**[(a)

(i) Home scale-Category (A)..... Rs. 20

(ii) Home scale-Category (B).....,..... Rs.100]

(b) Cottage scale ... Rs.250.

(c)

(i) Small scale- Category (A) ... Rs.400.

(ii) Small seal- Category (B) ... Rs.600.

(d) Large scale ... Rs. 1500.

(e) Re-labeller ... Rs.500.

**3**[(2-A) **4**[A manufacturer using different premises for the manufacture of fruit and vegetable products shall lake out a separate licence in respect of each of such premises. A common licence number prefixed with the abbreviation of the name of the place of location of the head office of the business and suffixed with a Serial number shall be issued to him in respect of every such



premises and this shall be exhibited on the label affixed to the container of such products.]]

(3) Any fee paid by any applicant for a licence under this clause shall not be refundable. <sup>5</sup> [Provided that where the licence is refused under sub-clause (4) or where the licence fee paid is in excess of the amount payable for licence granted, the licence fees or, as the case may be, the excess amount paid shall be refunded to the applicant].

(4) The Licensing Officer may by order, for reasons to be recorded in writing, refuse to grant a licence to any applicant and shall furnish him as soon as possible with copy of the order so passed.

1. Subs. by S.O. 800(E), dated the 31st December, 1973.
2. Subs. by S.O. 78(E), dated 28th January, 1980.
3. Ins. by S.O. 2942, dated 6th December, 1961.
4. Subs. by S.O. 582. doted 5th February.1965.
5. Added by S.O. 5593, dated the 30th December, 1971.

**6. 6 :-**

(1) The Licensing Officer may, after giving the manufacturer an opportunity to show cause and after giving him three months' notice, cancel any licence granted to him under this Order for any breach of the terms of the licence or for any contravention of the provisions of this Order or for any failure to comply with any order, direction or requisition made under this Order.

(2) The manufacturer may appeal to the Central Government against any order passed by the Licensing Officer under sub-clause (1) cancelling the licence within a period of thirty days after the receipt of the order by such manufacturer and the decision of the Central Government shall be final.

**7. 7 :-**

Every manufacturer shall manufacture fruit products in conformity with the sanitary requirements and the appropriate standard of quality and composition specified in the Second Schedule to this Order. <sup>1</sup> [Every other fruit and vegetable product not so specified shall be manufactured in accordance with the standard of quality and composition laid down in this behalf by the Licensing Officer.]

1. Ins. by S.R.O. 2120, dated 22nd September, 1956.

**8. 8 :-**

(1) Every manufacturer shall in regard to the packing, marking and labelling of containers of fruit products, comply with the following requirements, that is to say-

(a) Every container in which any fruit product is packed shall bear such label as may, from time to time, be approved by the Licensing Officer and different labels may be approved for different fruit products and a manufacturer in packing such container shall use a label which is for the time being approved by the Licensing Officer.

(b) When a bottle is used in packing any fruit products, it shall be so sealed that it cannot be opened without destroying the licence number and the special identification mark of the manufacturer to be displayed on the top or neck of the bottle. The licence number of the manufacturer shall be exhibited prominently on the side label on such bottle.

(c) When a tin, barrel or other container is used in packing any fruit product, the licence number of the manufacturer shall either be exhibited prominently on the side label of such tin or be embossed prominently thereon.

(d) Each container in which any fruit product is packed shall specify a code number indicating the lot or the date of manufacture of such fruit product. <sup>1</sup>[ The code number shall be legible and shall be given in English or Hindi numerals or alphabets or in both. Before the issue of a licence each code number to be used by a manufacturer shall be registered with the Licensing Officer and no change shall be made therein except with the previous sanction of the Licensing Officer

<sup>2</sup>[(e) The labels should not contain any statement, claim, design or device which is false or misleading in any particular concerning the fruit products contained in the package or concerning the quantity or the nutritive value or in relation to the place of origin of the said fruit products.]

<sup>3</sup> [(f) The fruit products packed by manufacturer shall be either those manufactured by him or those obtained from another licensed manufacturer.]

(2) Without prejudice to the generality of the provision contained in sub-clause(i), the licensing Officer may, by order published in the Official Gazette, specify the requirements in regard to the packing,

marking and labelling of containers of fruit products of any specified type or description, whether such fruit products are manufactured in India or not and every manufacturer or any person for the time being acting on his behalf shall be bound to comply with the provision of such order.

1. Added by S.O. 5593, dated the 30th December, 1971.
2. Ins. by S.R.O. 2120, dated 22nd September, 1956.
3. Ins. by S.O. 2942, dated 6th December, 1961.

**9. 9 :-**

Every manufacturer shall submit by the 31st of January of each year to the Licensing Officer a return in duplicate in Form "C" in respect of each class of fruit products manufactured, sold and exported by him during the previous term.]

**9A. 9-A :-**

Every manufacturer, who is not paying any excise duty, shall maintain up- to-date accounts in Form "D" and Form "E" in respect of different raw materials, their consumption in the manufacture of fruit and vegetable products and disposal of the processed foods.]

**10. 10 :-**

No person shall sell, or expose for sale, or despatch or deliver to any agent or broker for the purpose of sale, any fruit products which do not conform to the standards of quality and composition specified in the Second Schedule or which are not packed, marked and labelled in the manner laid down in this Order: <sup>1</sup> [Provided that the provisions of CI. 8 with regard to packing, marking and labelling shall not apply to products imported from outside the country,]

1. Subs. by S.O. 2942, dated 6th December, 1961.

**11. 11 :-**

(1) Any beverage which does not contain at least <sup>1</sup>[twenty-five per centum] of fruit juice in its composition shall not be described as a fruit syrup, fruit juice, squash or cordial or crush and shall be described as a synthetic syrup.

<sup>1</sup>[(2) Synthetic vinegars, beverages, syrups, sherbats and other products associated with fruits and vegetables shall be clearly and conspicuously marked on the label as "SYNTHETIC".<sup>3</sup>[The words "SYNTHETIC" whenever used, shall be as bold and in the same size and colour of the letters as are used for the name of the products

and shall immediately precede such name.] No container containing any such product shall have anything printed or labelled on it which may lead the consumer into believing that it is a fruit product. Neither shall the word "fruit" be used in describing such product nor shall it be sold under the cover of a label, which carries the picture of any fruit. <sup>4</sup>[\* \* \* \*]

**5** (3) Sweetened aerated waters containing no fruit juice or fruit pulp or containing less than 10 per cent of fruit juice or fruit pulp shall have a clear and conspicuous marking on the body of the container to the effect 'contains no fruits'. In case artificial flavour has also been used, the words 'Artificially flavoured' shall be declared on the label. The publicity and advertisement made for sweetened aerated waters through any media shall also conspicuously explain display and the fact that these products do not contain any fruit.

1. Subs. by S.R.O. 1474, dated 30th April, 1957.

3. Subs. by S.O. 5593, dated 30th December, 197..

4. Omitted by S.O. 741(E), dated 27th December, 1974.

5. [Order No. F. No. 1/3/F and VP, dt. 20.12.2000-Gaz. of India. Exty., Pt. II-3(ii). No. 824, dt. 21.12.2000, p. 1.]Substituted by The Fruit Products (Amendment) Order, 2000 "[ (3) Sweetened aerated waters containing no fruit juice or fruit pulp or containing less than 10 per cent. of fruit juice or fruit pulp shall have a clear and conspicuous marking on their label to the effect "contains no fruit juice or fruit pulp". In case artificial flavour has also been used, the words "Artificially flavoured" shall also be added. The publicly and advertisement made for sweetened aerated water through any media shall also conspicuously explain and display the fact that these products do not contain any fruitjuice or fruit pulp.]"

## **12. 12 :-**

Every manufacturer to whom any direction or order is issued in pursuance of any provision of this Order shall be bound to comply with such direction or order and any failure on the part of the manufacturer to comply with such direction or order shall be deemed to be a contravention of the provision of this Order.

## **13. 13 :-**

The Licensing Officer or any officer authorised by him in this behalf may, with a view to securing a compliance with this Order,-

(a) require any person to give any information in his possession with respect to the manufacture and disposal of any fruit products manufactured by him:

(b) enter upon and inspect the premises of any licensee or manufacturer at any time <sup>1</sup>[\* \* \* \*] with a view to satisfying himself that the requirements of this Order are being complied with, and -

(i) on giving a proper receipt, seize or detain any fruit products manufactured, marked, packed or labelled otherwise than in accordance with the provisions of this Order or suspected to be manufactured, marked, packed or labelled in contravention of the provisions of this Order,

(ii) seize or detain, on giving a proper receipt, raw materials, documents, account books other relevant evidence connected with manufacture of fruit products in respect of which he has reason to believe that a contravention of the order has taken place.

(iii) dispose of all fruit products or raw materials, so seized or detained in such manner as he deems fit;

(c) <sup>2</sup>[\* \* \* \*] inspect any books or other documents of a licensee relating to the manufacture and disposal of fruit products;

(d) collect, on payment, samples of fruit products intended or exposed for sale, or sold, or under despatch or delivery to any dealer, agent or broker for the purpose of sale, and have such samples analysed at a laboratory selected for the purpose by the Licensing Officer;

(e) collect, from the licensee or manufacturer, free of charge, on giving a proper receipt, samples of any fruit products or any chemical, dye or any other ingredients used in the preparation of such fruit products from the premises of such licensee or manufacturer, in respect of which he has reason to believe that a contravention of the order has taken place;

(f) by an order in writing prohibit the sale or manufacture of any fruit products in respect of which he has reason to believe that a contravention of this Order has taken place <sup>3</sup> [at the dealers 'as well as at the manufacturers' end.]

1. Omitted by S.O. 2942, dated 6th December, 1961.

2. The words "not more than twice during one term", omitted by S.O. 800(E), dated the 31st December, 1973. (w.e.f. 1st January, 1974).

3. Ins. by S.O. 2942, dated 6th December, 1961.

**14. 14 :-**

No person shall refuse to furnish any information which he is legally bound to furnish and which may be lawfully demanded of him under the provisions of this Order, or cancel, destroy, mutilate or deface any book or other document with a view to evading the provisions of this Order.

**15. 15 :-**

No prosecution for contravention of any of the provisions of this Order shall be instituted without the previous sanction of the Licensing Officer.

**16. 16 :-**

Nothing in this Order shall be deemed to apply-

(i) to any syrup which-

(a) contains fruit juices for medicinal use,

(b) are prepared in accordance with the allopathic, homoeopathic, ayurvedic, unani or other system of medicine, and

(c) are sold in bottles bearing a label containing the words "For medicinal use only" which does not exhibit any picture of fruits; and

(ii) to any fruit products manufactured by a person in any non-municipal area in quantities not exceeding <sup>1</sup>[ one hundred kilograms], during a term:

<sup>2</sup>[(iii) to any fruit product, produced by institutions, colleges and training centres for demonstration and training purposes and not for sale on commercial basis;]

<sup>3</sup> [(iv) to any aerated beverage manufactured without motive power.]

1. Subs. by S.O 5593, dated the 30th December, 1971.

2. Ins. by S.R.O. 2080, dated 14th September, 1955.

3. Ins. by 3537, dated 28th October, 1972.

**SCHEDULE 1**

**THE SCHEDULE**

**SCHEDULE 2**

**THE SCHEDULE**

**PART**

Sanitary Requirements of a factory manufacturing fruit products

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Specifications for Fruit Juice, Pulp Concentrates, Squashes, Cordials, Crush, Fruit Syrups, Nectar, Aerated Water containing Fruit Juice or Pulp and Ready-to-serve Fruit Beverages

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