

## Summary of responses to the consultation on: The Natural Mineral Water, Spring Water and Bottled Drinking Water (England) (Amendment) Regulations 2010

Consultation issued: 27 November 2009

Consultation ended: 9 February 2010

### Questions asked in the consultation

1. Do you have any comments on the draft Statutory Instrument?
2. Does this regulation pose any further burdens on your business?

### Key Proposals on which views were sought

1. Enforcement provisions for European Commission Regulation setting conditions for using activated alumina to remove fluoride from natural mineral water and spring water.
2. Reproducing sampling and monitoring frequencies contained within Council Directive 98/83/EC rather than cross referring to them in the English S.I. 2785.

The FSA is grateful to those stakeholders who responded and a summary of the responses and comments is set out in the table below.

Name/Organisation	Comments Made	FSA Comments/Action to take
British Soft Drinks Association (BSDA) (by email)	BSDA supports the introduction of legislation enabling fluoride to be removed from Natural Mineral Waters and Spring Waters and the consequent labeling requirement, though we are not aware of any UK bottlers currently using the permitted treatment.	Comments noted.

	<p>BSDA has no comment on the inclusion in the legislation of the sampling regime already specified in 98/83/EC, except to note that in the Private Water Supplies (England) Regulations 2009 SI 3101 reference is made in Schedule 5 to maximum charges which may be levied by the authorities for the sampling and analysis of the water supplies being controlled. BSDA proposes that reference to this Schedule should be included in the legislation under consultation.</p>	<p>The provisions on monitoring in the draft Statutory Instrument (S.I.) do not change existing requirements.</p> <p>We will bear this proposal in mind for future amendments and consolidations of the Regulations, but it will not be included in the S.I. being consulted on as your proposal is a new measure and there are time constraints on when this S.I. has to be in place.</p>
Zenith International (by email)	<p>Zenith has no comment on the introduction of the use of activated alumina to remove fluoride from bottled waters, and we welcome the revisions to the regulations to clarify sampling and monitoring requirements in order to minimise the need for cross-referencing to Council Directives.</p>	<p>Comments noted.</p>
Just Drinking Water (Aquapax) (by email)	<p>It is our considered opinion that “natural mineral water” is something recognised by the public as a pure natural substance in its naturally pure state which has not been subject to treatment. The appropriate descriptions for water which is treated for removal of whatever undesirable element it contains are ‘treated water’ or ‘purified water’. Both of these product descriptions already exist, hence there is no need to embrace a change allowing particular types of ‘approved treatment’ while retaining the word ‘natural’ in the description of the product.</p> <p>There is already considerable public suspicion</p>	<p>The European Commission Regulation (EU) 115/2010 is directly applicable so producers across Europe will be allowed to use this treatment once this comes into force.</p> <p>The draft S.I. which was consulted on puts powers in place to allow local authorities to enforce and oversee the operation of treatment to remove fluoride from natural mineral water.</p> <p>The principle aim of the legislation was to allow European producers who could not currently meet fluoride limits to comply (although the use of this treatment is not</p>

	<p>over product descriptions which only lawyers can properly interpret; The further we allow the regulations to deviate from their intended purpose, the greater the prospect for members of the public to be miss-led and for unscrupulous companies to exploit and twist legal definitions outside of their intended purpose.</p> <p>Natural Mineral Water is a clear and easily understood description.</p> <p>Natural Spring Water is a clear but less easily understood description.</p> <p>Treated Water is a clear and easily understood description.</p>	<p>limited to those waters that naturally exceed fluoride limits).</p> <p>There are already specific labelling provisions in Regulation (EU) 115/2010 for water treated to remove fluoride.</p> <p>The UK does have a clear position in Europe that treatment of natural mineral water should be kept to a minimum whilst still ensuring water is safe and compliant with legal limits.</p>
Local Authority Coordinators of Regulatory Services (LACORS) (by post)	LACORS has no comments on the proposed S.I.	Comments noted.