

The Minister for National Health and Welfare has, in terms of section 15 (1) of the Foodstuffs, Cosmetics and Disinfectants Act, 1972 (Act No. 54 of 1972), made the regulations set out in the Schedule hereto.

SCHEDULE

1. Definitions.

In this Schedule “the Act” means the Foodstuffs, Cosmetics and Disinfectants Act, 1972 (Act No. 54 of 1972), and any expression to which a meaning has been assigned in the Act shall bear such meaning and, unless inconsistent with the context—

“**address**” means an address in the Republic and includes the street or road number (if a number has been allotted), the name of the street or road and the name of the town, village or suburb and, in the case of a farm, the name of the farm and of the magisterial district in which it is situated and, in the case of imported foodstuffs “address” means the address of the manufacturer or supplier or importer;

“**Annex**” means the annex to these regulations;

“**beer**” means the drink manufactured by the fermentation of a mash of malt, with or without cereals, flavoured with hops, or ale, stout or any other drink manufactured as or sold under the name of beer, ale or stout, if it contains more than one per cent by volume of alcohol, but does not include sorghum beer;

“**catering establishment**” means any establishment including a vehicle or a fixed or mobile stall where, in the course of business, foodstuffs are prepared for direct sale to the consumer for consumption;

“**cereal**” means a product derived from the fruit of any cultivated grasses of the family *Poaceae*;

“**chocolate confectionery**” means any foodstuff which is ready for consumption without further preparation, of which chocolate, cocoa or non-fat cocoa solids are a characteristic ingredient and includes a foodstuff of which carbohydrate sweetening matter is a characteristic ingredient and which has a chocolate coating, but does not include any flour confectionery or edible ice;

“**claim**” in relation to a foodstuff or nutrient supplement, means any written, pictorial, visual or other descriptive matter or verbal statement, communication, representation or reference brought to the attention of the public in any manner including a trade name or brand name and referring to the characteristics of a product, in particular to its nature, identity, properties, composition, quality, durability, origin or method of manufacture or production;

“colourant” means any substance referred to in the regulations on food colourants published under the Act;

“compound ingredient” means any ingredient which is itself composed of two or more ingredients;

“dairy product” means milk or a product obtained or manufactured exclusively or mainly from milk and to which no unpermitted substances or another foodstuff of which the solids are not meant to substitute any part of the milk solids, are added and it also includes a product of which a maximum of 50 per cent of the fat content, protein content and carbohydrate content respectively, are obtained from a source other than milk;

“diet sweetener” a sweetener as listed in the Annexure of Government Notice No. R. 3128 of 20 December 1991, or a mixture of such sweeteners, of which amount with the sweetening equivalent of 5,0 g of sucrose does not have an energy value of more than 8,0 kJ;

[Definition of “diet sweetener” inserted by G.N.R. 129 of 1996.]

“edible ice” includes ice-cream, sorbet, water ice and fruit ice, whether alone or in combination, and any similar foodstuff, but excludes other dairy products;

“fat” means chemically extractable fat determined according to the AOAC-method described in Annex 4;

“firming agent” means any substance added to precipitate pectin and/or alginate thus strengthening the supporting tissue and preventing collapse;

“flavourant” means a flavouring substance or preparation in concentrated form with or without solvents or carriers and which is not intended to be consumed directly, but which is used in foodstuffs to impart a particular taste or aroma;

“flavour enhancer” means a substance (excluding enzymes) that is added to supplement, enhance or modify the original taste and/or aroma of a foodstuff without imparting a characteristic taste or aroma of its own;

“flour confectionery” means any cooked foodstuff ready for consumption without further preparation (other than re-heating) and having as its characteristic ingredients ground cereal and sweeteners, whether with or without flavourants, raising agents, food additives, edible fats and oils, eggs, milk, cocoa, fruit and nuts, and includes uncooked pastry casings but not pizzas, samosas, sausage rolls and meat pies;

“food additive” means any substance not normally consumed as a foodstuff by itself and not normally used as a typical ingredient of the foodstuff, whether or not such substance has nutritive value, the intentional addition of which to a foodstuff for a technological (including sensoric) purpose in the manufacture, processing, preparation, treatment, packing, packaging, transport or storage of such foodstuff results or may reasonably be expected to result (directly or indirectly) in such substance or the by-products thereof becoming a component of or otherwise affecting the characteristics of such foodstuff, excluding any substance added to foodstuffs for maintaining or improving nutritional qualities or any contaminants;

“food vending machine” means any mechanical device, whether attended or not, by means of which foodstuffs are sold;

“gelling agent” means any substance which, when added to a foodstuff, gives it the consistency of a gel;

“ingredient” means any substance, including any food additive and any constituent of a compound ingredient, which is used in the manufacture or preparation of a foodstuff and which remains in the final product;

“irradiation” means deliberate exposure to ionising radiation and “irradiated” has a corresponding meaning;

“letter” includes a digit;

“main ingredient” means that ingredient in a foodstuff that has the greatest mass;

“main panel” means that part of the label that bears the brand or trade name of the product in greatest prominence or any other part of the label that bears the brand or trade name in equal prominence;

“meat” means the clean, sound and wholesome skeletal musculature and fatty tissue of any animal species, including game or bird species, used as a foodstuff, together with any connective tissue, bone, fat and cartilage that occurs naturally in the skeletal musculature of the dressed carcass and head, excluding the musculature of the lips, snout, scalp and ears;

“name”, in relation to a foodstuff, means a word or words giving a true description of the product concerned, sufficiently precise to enable such product to be distinguished from products with which it could be confused and, if necessary, including a description of the use of such a product: Provided that the name of a foodstuff may consist of a name or a description, or of a name and a description;

“nutrient” means that chemical substance or element found in a foodstuff or produced by a physiological process, which is essential for the maintenance of normal bodily functions;

“nutrient supplement” means any nutrient preparation intended to supplement the diet by increasing the total dietary intake of such nutrient(s);

“permitted” means permitted in terms of the Act;

“poultry” means any chicken, duck, goose, guinea fowl, ostrich, partridge, pheasant, pigeon, quail, turkey and the chicks thereof;

“prepacked”, in relation to a foodstuff, means the packaging of a foodstuff in packaging material before being sold, so that such foodstuff cannot be altered without opening or changing the packaging and is ready for sale to the consumer or to a catering establishment, but does not include individually packed sugar confectionery or chocolate confectionery which is not enclosed in any further packaging material and is not intended for sale as individual items, and does not include the outer containers of bulk stock;

“pressurised container” means a container of metal, glass or plastic, or a composite of these materials, containing liquids or pastes and a propellant which discharges the contents under pressure through a valve system;

“processed” means that a foodstuff has been subjected to any process which alters its original state, excluding harvesting or slaughtering and preparation by cleaning; decapitation; defeathering; de-hairing; evisceration; portioning; removal of fish scales, blemishes, fruit and vegetable foliage or shells; sectioning; mincing; mechanically deboning; removal of skin (other than fish, poultry and pigs); washing; chilling or freezing and irradiation;

“protein” means the protein content calculated using the formula: $\text{protein} = \text{total Kjeldahl nitrogen} \times \text{the appropriate factor as listed in Annex 4}$;

“raising agent” means any substance used to produce or stimulate the production of carbon dioxide in baked goods to impart a light texture, and includes chemical leavening agents and yeasts;

“readily absorbable carbohydrate” means monosaccharides and disaccharides, but does not include sugar alcohols and fructose;

[Definition of “readily absorbable carbohydrate” substituted by G.N.R. 129 of 1996.]

“RDA” (recommended dietary allowance) in relation to a nutrient, means that number of units of that nutrient indicated in Annex 3;

“sell by retail” means sell to a person buying other than for the purpose of resale, but does not include selling to a caterer for the purposes of his catering business, or to a manufacturer for the purposes of his manufacturing business, and “sale by retail” and “sold by retail” have corresponding meanings;

“serving”, in relation to a foodstuff, means the mass, volume or number, as the case may be, which is recommended by the manufacturer as the amount to be taken on its own or as part of a meal and the said mass, volume or number shall be stated in terms of grams, millilitres, capsules, powders, portions, sachets or tablets, as the case may be;

“soft drinks” bears the meaning assigned to it in the relevant regulations made under the Act;

“starch” means edible starch;

“sugar confectionery” means any foodstuff which is ready for consumption without further preparation and of which carbohydrate sweetening matter is a characteristic ingredient, and includes sweetened liquorice, chewing gum and meringues, but does not include any chocolate or flour confectionery, edible ice, table jellies or sugar;

“sweetener” means any substance listed in the relevant regulations made under the Act.

2. General.

(1) No person shall import, manufacture or sell any foodstuff unless the foodstuff or its package, or the bulk stock from which it is taken, is labelled in accordance with the provisions of these regulations.

(2) For the purpose of these regulations, all proportions referred to in these regulations shall be proportions calculated by mass, unless otherwise specified.

(3) Where a foodstuff undergoes processing, which changes its nature, in a second country, the country in which the processing is performed shall be considered to be the country of origin for the purposes of labelling.

(4) The provisions of these regulations shall be in addition to and not in substitution for the regulations published under the Agricultural Product Standards Act, 1990 (Act No. 119 of 1990), and the Standards Act, 1993 (Act No. 29 of 1993). [Subreg. (4), previously subreg. (5), amended by G.N.R. 129 of 1996.]

Language

(5) Unless expressly otherwise provided in regulations published in terms of the Act, the information required to appear on any label shall be in at least one official language of the Republic of South Africa.

[Subreg. (5), previously subreg. (6), amended by G.N.R. 129 of 1996.]

Presentation

(6) Information required to appear on any label in terms of the Act shall be clearly visible, easily legible and indelible and the legibility thereof shall not be affected by pictorial or any other matter, printed or otherwise.

[Subreg. (6), previously subreg. (7), amended by G.N.R. 129 of 1996.]

Size of lettering

(7) (a) Subject to these regulations, the information required to appear on a label in terms of the Act shall be in letters not less than 1,00 mm in height: Provided that in the case of returnable soft drink bottles with embossed labels, the letters on the cap may be a minimum of 0,75 mm in height.

(b) (i) The size of lettering prescribed in paragraph (a) shall apply to packages of which the main panel exceeds 12 000 mm².

(ii) In the case where the area of the main panel of the package does not exceed the area indicated in column I of the following table but exceeds the next smaller area listed in the column, the information on a package may be reflected in letters of which the height is not less than the proportion indicated in the corresponding line of column II of the height prescribed by regulation: Provided that the minimum height to which the letters may be reduced shall be 0,75 mm.

I	II
<i>Area in mm²</i>	<i>Percentage (%) of prescribed height</i>
12 000	85
8 000	70
5 000	50

(c) Words which qualify the name of the foodstuff or are an essential part of the description thereof shall be reflected in the immediate proximity to the name and in prominent letters not less than one-third of the size of the name of the foodstuff.

(d) Prescribed listing of ingredients and proportions of ingredients shall be in type of uniform size and prominence throughout: Provided that the initial letter of a word may be larger than the letters of the rest of the word.

[Subreg. (7), previously subreg. (8), amended by G.N.R. 129 of 1996.]

Identification

(8) Subject to these regulations the label of a foodstuff shall contain—

- (a) the name of the foodstuff on the main panel in letters not less than 4,0 mm in height unless a smaller size of lettering is permitted by these regulations: Provided that in the case of returnable soft drink bottles with embossed labels, the name may be on the cap in letters not less than 1,5 mm in height;
- (b) the name and address of the manufacturer, packer or seller, or person on whose behalf the foodstuff is repacked;
- (c) instructions for use where it would be difficult to make appropriate use of such foodstuff without such instructions;
- (d) the list of ingredients required by regulation 3 (2) to (6), where applicable;
- (e) special storage conditions, where applicable, in lettering not less than 3,0 mm in height.

[Subreg. (8), previously subreg. (9), amended by G.N.R. 129 of 1996.]

Prohibited statements

(9) The following information or declarations shall not be reflected on a label or in an advertisement of a foodstuff:

- (a) Words, pictorial representations, marks or descriptions which are liable to create an impression that such a foodstuff complies with or has been manufactured in accordance with recommendations made by—
 - (i) medical and dental practitioners, psychologists or other persons who carry on a supplementary health service referred to in the Medical, Dental and Supplementary Health Service Professions Act, 1974 (Act No. 56 of 1974), except in the case of a registered dietician referred to in regulation 3 (23) (f) (ii);
 - (ii) organisations [excluding religious organisations and the South African Bureau of Standards (SABS)], associations and foundations unless the label of the foodstuff bears an indication to the effect that the product is suitable for use in accordance with the directions of the organisation, association or foundation;

- (b) the words “health” or “healthy” or other words or symbols implying that the foodstuff has health-giving properties as part of the name or description of the foodstuff;
 - (c) subject to the provisions of the Medicines and Related Substances Control Act, 1965 (Act No. 101 of 1965), the words “heal” or “cure” or “restorative” or any other medicinal, therapeutic or prophylactic claim;
 - (d) a claim that a foodstuff is free from a particular substance if all other foodstuffs in the same class or category are free from such substance.
- [Subreg. (9), previously subreg. (10), amended by G.N.R. 129 of 1996.]

(10) Nobody can advertise a foodstuff in an advertisement which contains any information, claim, reference or declaration not permitted on the label of a foodstuff according to these regulations.

[Subreg. (10), previously subreg. (11), amended by G.N.R. 129 of 1996.]

(11) Nobody shall label a foodstuff with a label that refers to the Act, the Department of National Health and Population Development or any official of the said Department.

[Subreg. (11), previously subreg. (12), amended by G.N.R. 129 of 1996.]

Pressurised containers

(12) The label of any foodstuff packaged in any pressurised container shall contain the following statement in letters not less than 3,0 mm in height:

“WARNING—PRESSURISED—do not puncture or store above 50 °C”

[Subreg. (12), previously subreg. (13), amended by G.N.R. 129 of 1996.]

3. Special provisions.—

Seasonal ingredients

(1) Where, owing to the climatic or seasonal contingencies, it is not possible to abide consistently by the list of ingredients as indicated on the label, the names of the ingredients, other than the main ingredient as claimed, that might not be present consistently shall appear consecutively but not necessarily in descending order of mass or volume in the list of ingredients, preceded by the expression “and/or”.

Order of list of ingredients

(2) (a) Subject to these regulations the ingredients of a foodstuff shall be listed on any label in descending order of mass as present in the finished product.

(b) Subject to subregulation (5), water which is added as an ingredient of a foodstuff shall be listed in the list of ingredients with the mass being calculated by deducting the total mass of the other ingredients used from the total mass of the finished product.

(c) In the case of an ingredient which is used in a foodstuff in a concentrated or dehydrated form and which is reconstituted during the manufacturing of the foodstuff, the mass used in determining its place in the order of the list of ingredients on the label shall be the mass of the ingredient after reconstitution.

(d) Where a foodstuff is in a concentrated or dehydrated form and is intended to be reconstituted by the addition of water, its ingredients may be listed on the label in descending order of mass in the foodstuff when reconstituted as directed, if the heading of the list of ingredients includes or is accompanied by the words “ingredients of the reconstituted product” or “ingredients of the ready to use product” or by some other indication to similar effect.

(e) Where a foodstuff consists of or contains mixed fruit, nuts or vegetables and no particular fruit, nut or vegetable predominates significantly with respect to mass, those ingredients may be listed in any order of mass if—

- (i) in the case of a foodstuff which consists entirely of such mixture, the heading of the list of ingredients includes or is accompanied by the words “in variable proportions” or other words indicating the nature of the order in which the ingredients are listed; and
- (ii) in the case of a foodstuff which contains such mixture, that part of the list where the names of the said ingredients appear is accompanied by the words “in variable proportions” or other words indicating the nature of the order in which those ingredients are listed.

(f) Subject to subregulation (15) (a) (i) (ee), the following ingredients may be shown in any order at the end of the list of ingredients:

- (i) Spices, seasoning and herbs;
- (ii) vitamins and their salts or derivatives;
- (iii) minerals and their salts;
- (iv) food additives.

Names of ingredients

(3) (a) Subject to this subregulation, the name used for an ingredient in a list of ingredients on any label shall—

- (i) be the name used for such ingredient when independently sold as a foodstuff; and
- (ii) include or be accompanied by any indication which, if the ingredient were itself being sold as a foodstuff, would be required in terms of these regulations to be included in or to accompany the name of the foodstuff.

(b) Any additive which is added to or used in a foodstuff to perform the function of one of the categories of ingredients listed in Annex 1 may be indicated on a label by the name of the category, and if any additive is added to or used in a foodstuff to serve more than one such function, it shall be indicated by the name of the category that represents the principal function performed in that foodstuff.

(c) Any additive, except those referred to in Annex 1, shall be indicated on a label by its common chemical name.

Compound ingredients

(4) (a) Subject to the provisions of regulations 3 (1) (d) and 4 (1) (d), where a compound ingredient is used in the preparation of a foodstuff the names of the ingredients of the compound ingredient shall be given in the list of ingredients on the label of any foodstuff instead of or in addition to the name of the compound ingredient.

(b) The name of a compound ingredient shall be followed immediately by the names of its ingredients or the names of its ingredients shall appear in close proximity to the name of the compound ingredient so as to make it clear that they are the names of the ingredients of the compound ingredient.

Added water

(5) (a) Water which is added as an ingredient of a foodstuff shall be declared in the list of ingredients of such foodstuff unless—

- (i) it is used in the manufacturing of the foodstuff solely for the reconstitution or partial reconstitution or dilution or wetting of an ingredient used in a concentrated, dry or dehydrated form; or
- (ii) the water added does not exceed 5% of the finished product.

(b) Notwithstanding the provisions of paragraph (a), water not in excess of the percentage of absorbed moisture permitted by the regulations for poultry meat under the Agricultural Product Standards Act, 1990 (Act No. 119 of 1990), need not be declared in the list of ingredients of such foodstuff.

Bulk stock

(6) Where a foodstuff is sold from bulk stock such bulk stock containers shall be labelled in accordance with all requirements for individually packed foodstuffs and lettering shall be of such a size and so displayed that it is easily legible for customers, unless the contents of the bulk container are individually packed and labelled in accordance with the requirements.

Food additives

(7) The label of any prepacked food additive or blend of food additives shall comply with the labelling requirements of regulation 2 and shall in addition—

- (a) bear the words “for use in foodstuffs” or “for use in food” or “food additive” or “blend of food additives”;
- (b) in the case of sulphur dioxide compounds, state the maximum and minimum percentage of sulphur dioxide the contents will yield;
- (c) state its common chemical name, where applicable;
- (d) in the case of a food colourant or a blend of food colourants, bear the words “food colourant” or “food colouring” or “food colour” and common chemical name or names as well as the Colour index number(s);

- (e) in the case of food additives with a shelf life not exceeding 18 months, indicate the date of maximum durability using such words as “use before X”, where X is the latest recommended date for use.

Frozen and chilled food products

(8) (a) The words “Raw – keep frozen” or “Uncooked – keep frozen”, as the case may be, shall appear in letters not less than 3,0 mm in height on the main panel of the label of every package containing uncooked food products that must be kept frozen.

(b) The words “Cooked – keep frozen” or “Partly cooked – keep frozen – do not refreeze when thawed”, as the case may be, shall appear in letters not less than 3,0 mm in height on the main panel of the label of every package containing cooked or partly cooked food products that must be kept frozen.

(c) Food products which rely on chilling or freezing conditions for preservation, or semi-preserved food products, shall bear on the main panel of the label the expression “Keep refrigerated” or “Keep frozen”, as the case may be, in letters not less than 3,0 mm in height.

[Para. (c) amended by G.N.R. 129 of 1996.]

(d) If frozen food products are thawed for subsequent sale, such products shall not be labelled “Fresh”.

(e) In the case of cooked or partly cooked frozen food products which have been thawed for subsequent sale, such products shall be accompanied by a notice on which the words “Previously frozen – do not refreeze”, appear legibly in immediate proximity to such products and in clear view of the customer.

Foodstuffs sold from vending machines

(9) Subject to these regulations, the front of a food vending machine from which any foodstuff is sold shall have a notice indicating the name of the foodstuff, except where such name appears on the label of the foodstuff in such a manner as to be easily visible and clearly legible to a prospective purchaser from the outside of the machine.

Pictorial representation

(10) Subject to these regulations, no pictorial representation of a foodstuff not contained in any package which might lead the consumer to believe that such foodstuff is contained in such package shall appear on the label of a foodstuff unless the words “serving suggestion” or words indicating the justification for the use of such pictorial representation appear on or in immediate proximity to such pictorial representation in bold, conspicuously placed letters not less than 3,0 mm in height.

Indication of food additives

(11) (a) (i) Subject to this subregulation, any foodstuff which is not required to be labelled with a list of ingredients and which contains any food additive which was added to or used in the foodstuff to perform the function of an antioxidant,

sweetener, colourant, curing agent, flavour enhancer, flavourant or preservative shall be labelled with an indication of every such food additive that is contained in the foodstuff.

(ii) Notwithstanding the provisions of these regulations no person shall sell any foodstuff containing the colourant tartrazine unless the word "tartrazine" appears in the list of ingredients.

(b) For any flour confectionery that has to be labelled in accordance with paragraph (a), a notice shall be displayed in immediate proximity to such a foodstuff and in clear view of the purchaser, stating that the items of flour confectionery sold on the premises contains such food additives.

(c) (i) The presence of any preservative shall be indicated on any label by the common chemical name of the preservative, either followed or preceded by the word "preservative" or, in the case of sodium or potassium nitrite and sodium or potassium nitrate used in shelf-stable meat products, followed or preceded by the words "curing agent".

(ii) Preservatives which are used as anti-oxidants shall be indicated by the common chemical name in the list of ingredients: Provided that where a list of ingredients is required this information shall be included in such list of ingredients.

(d) With the exception of preservatives and tartrazine, it shall not be necessary to refer in the list of ingredients to any food additive—

(i) which is present in the foodstuff solely because it was a constituent of an ingredient of such foodstuff: Provided that the food additive does not have the same function in the final foodstuff to which it was added as it had in the original foodstuff of which it was a constituent;

(ii) which, if the foodstuff were labelled with a list of ingredients, would not be required to be named in the list by reason of regulation 4 (1).

(e) The name used for a food additive in any indication or notice referred to in paragraph (a), (b) of (d) shall be the common chemical name or the name of the category of food additives (e.g. "anti-oxidant", "colourant", "flavour enhancer" or "flavourant"), the function of which it performs in the foodstuff or ingredient to which it was added or in which it was used, and a food additive which performs more than one such function shall be identified by the name of the category that represents the principal function performed by the food additive in such foodstuff or ingredient: Provided that the names "salt" or "sodium chloride" and "vinegar" or "acetic acid" may be used in the list of ingredients.

[Par. (e) amended by G.N.R. 129 of 1996.]

(f) Notwithstanding the provisions of paragraph (e) the addition of monosodium glutamate shall be indicated on the label as monosodium glutamate or MSG: Provided that where a list of ingredients is required, this information shall be included in such a list.

(g) Where an ingredient derived from egg or milk is added to a foodstuff the word “egg” or “milk”, as the case may be, shall be indicated in parenthesis behind the name of such ingredient in the list of ingredients.

Manner of labelling of foodstuffs sold by retail

(12) (a) When any prepacked foodstuff is sold by retail the particulars with which it is required to be labelled in terms of these regulations shall appear either on the packaging or on the label attached thereto.

(b) When any unpacked foodstuff is displayed for sale the particulars with which it is required to be labelled in terms of these regulations shall appear on or in immediate proximity to the foodstuff.

Misleading descriptions

(13) The word “natural” shall not be used on the label of a foodstuff—

- (a) as part of the name in relation to a processed foodstuff and shall not be used to qualify the name or trade name thereof;
- (b) to describe a foodstuff which contains any ingredient not present in the natural form of such foodstuff if any ingredient present in the natural form thereof has been removed therefrom; or
- (c) to describe the ingredients of a mixed, compounded or blended foodstuff unless all the ingredients thereof occur in nature or have not been processed.

Claims relating to foodstuffs for particular nutritional uses

(14) (a) If a claim is made that a foodstuff is suitable, or has been specially made, for fulfilling the particular nutritional requirements of—

- (i) a class of persons whose digestive process or metabolism is disturbed; or
- (ii) a class of persons who, by reason of their special physiological condition, obtain special benefit from the controlled consumption of certain substances,

that foodstuff shall be labelled with an indication of the particular aspects of its composition or manufacturing process that give the foodstuff its particular nutritional characteristics.

(b) If a foodstuff has been specially made for the class of persons to which such claim refers, in addition to the requirements referred to in paragraph (a)—

- (i) the name of the foodstuff shall include or be accompanied by an indication of the foodstuff's particular characteristics;
- (ii) the foodstuff shall be labelled with the prescribed energy statement, where relevant to the claim; and
- (iii) when sold to the ultimate consumer, the foodstuff shall be prepacked and completely enclosed by its packaging.

(c) For the purposes of this subregulation the “prescribed energy statement” has the meaning assigned to it in Annexure 2.

Nutritive value claims

(15) (a) Unless otherwise provided in these regulations no label of any foodstuff shall contain any claim regarding the nutritive value of such foodstuff unless—

- (i) in the case of a general claim that the foodstuff or that the foodstuff is fortified, enriched or nutritious, or that it provides balanced nutrition or that it is nutritionally complete or that it will increase mass, the label also contains the following information in this order:
 - (aa) The heading “Nutrition information”;
 - (bb) an indication of the mass or volume of a serving;
 - (cc) an indication to the nearest kilojoule of the energy content of a serving and per 100 g or per 100 ml;
 - (dd) the total amount of proteins, carbohydrates, fats and dietary fibre in grams and sodium in milligrams present in a serving and per 100 g or 100 ml, and an indication of what percentage of the RDA proteins represent per serving;
 - (ee) and indication of the amounts as well as what percentages of the RDA each of the following nutrients, when present in a serving when packed, in amounts of more than 15% of the RDA, represents, listed in the following order:

Vitamin A;

Vitamin D;

Vitamin E;

Vitamin C;

Vitamin B₁ or thiamin;

Vitamin B₂ or riboflavin;

Nicoinic acid, nicotinamide or niacin;

Vitamin B₆ or pyridoxine;

Folic acid or folacin;

Vitamin B₁₂ or cyanocobalamine;

Biotin;

Pantothenic acid;

Calcium;

Phosphorus;

Iron;

Magnesium;

Zinc;

Iodine;

(ii) in the case of a claim in respect of nutrients and/or energy specified in such claim the label also contains the following in this order:

(aa) The heading “Nutrition information”;

(bb) an indication of the mass or volume of a serving;

(cc) the amounts of the nutrients in respect whereof a claim is made, present in a serving when packed and/or an energy declaration in kJ;

(dd) an indication of what percentage of the RDA is represented in a serving when packed, by the nutrients in respect of which the claim is made: Provided that no claim shall be made for a nutrient present in an amount less than 15% of the RDA.

(b) (i) A claim regarding the nutrient and/or energy content of a foodstuff shall not refer to any foodstuff not in the package: Provided that in the case of a foodstuff which is an adjunct to the foodstuff in the package but is not itself in the package, such claims may be made and that it is clearly indicated that the claim does not refer to the foodstuff in the package;

(ii) in such cases all nutrition information shall be given in respect of the foodstuff actually in the package.

(c) For the purposes of nutrition labelling the standard RDA shall be as indicated in Annex 3.

(d) If a nutrition claim is made in the advertising of a foodstuff, the foodstuff when sold prepacked shall also be labelled with the said statement.

Voluntary nutrition information

(16) (a) When information in respect of the nutrient and/or energy value is provided on the label of a foodstuff and no claim is described in these regulations is made—

(i) the label shall contain—

(aa) the heading “Nutrition information”; and

(bb) a declaration of the amounts of the nutrient(s) and/or energy per 100 g or 100 ml of the foodstuff when packed;

(ii) the label may also contain, following the information prescribed in subparagraph (a) (i):

(aa) An indication of the mass or volume of a serving;

(bb) the amount(s) of nutrient(s) and/or energy present per serving when packed; and

(cc) an indication of what percentage of the RDA the nutrients present per 100 g or 100 ml or in a serving when packed, represent.

(b) Where information is provided in respect of fat, such information shall specify “total fat”, and may in addition specify “saturated fat”, “unsaturated fat”, “polyunsaturated fat” and/or “monounsaturated fat”.

(c) (i) The terms “maximum” or “max.” or other terms implying the same meaning may be used to indicate the amounts of cholesterol, fats and sodium present in a foodstuff; and

(ii) the terms “minimum” or “min.” or other terms implying the same meaning may be used to indicate the amounts of protein and vitamins present in a foodstuff.

Nutrition information format

(17) (a) Voluntary and mandatory nutrition information shall be given in a clear tabular format.

(b) The unit of measurement shall appear behind the indication of the nutrient or energy value: Provided that—

(i) the energy content of the foodstuff shall be declared in “kilojoules” or “kJ”; and

(ii) the amount of each nutrient is declared by mass.

(c) For the purposes of this part of these regulations—

(i) “fat” means total lipids and includes phospholipids;

(ii) “saturated fatty acids” means fatty acids without double bonds;

(iii) “monounsaturated fatty acids” means fatty acids with one *cis* double bond;

(iv) “polyunsaturated fatty acids” means fatty acids with *cis*, *cis*-methylene interrupted double bonds; and

(v) “fibre” means dietary fibre.

Nutrient supplements

(18) The label of any nutrient supplement shall indicate the date up to which it is expected to retain its potency.

Special characteristics or properties

(19) No claim shall be made on the label of a foodstuff that the foodstuff has acquired nutritive value from substances added for technical or sensory reasons, unless the nutritive value is still present in the product as consumed.

(20) No declaration or implication shall be made on the label of a foodstuff that such foodstuff alone possesses specific characteristics or properties when in fact similar foodstuffs possess the same characteristics or properties.

Foodstuffs for infants and young children

(21) The labelling of a foodstuff specially made for fulfilling the particular nutrient requirements of infants or young children shall in addition comply with the labelling requirements in the regulations relating to foodstuffs for infants, young children and children published under the Act.

Diabetic claims

(22) No claim shall be made on the label of a foodstuff that the foodstuff is suitable for diabetics, unless the following requirements are met:

- (a) The claim must be accompanied by the words “when used as part of a balanced eating plan”.
 - (b) (i) A ready-to-eat foodstuff shall not contain more than 280 kJ per 100 g and/or 2 g of readily absorbable carbohydrates per 100 g;
 - (ii) beverages shall not contain more than 50 kJ per 100 ml and/or 1,2 g of readily absorbable carbohydrates per 100 ml; and
 - (iii) sugar confectionery, sauces, condiments, dressings, fruit spreads and similar products shall not contain more than 1 100 kJ per 100 g and/or 8 g of readily absorbable carbohydrates per 100 g.
 - (c) A foodstuff containing a sugar alcohol shall be labelled with the words “excessive consumption may have a laxative effect”.
 - (d) The provisions of subregulation (14) shall be complied with and the label shall also bear the following information per 100 g or 100 ml and per serving: Energy (kJ), protein (g), fat (g) carbohydrates (g), readily absorbable carbohydrates (g) and sodium (mg).
- [Subreg. (22) substituted by G.N.R. 129 of 1996.]

Slimming claims

(23) No claim shall be made on a label that a foodstuff is an aid to slimming or mass control or mass reduction or that it has a reduced or low energy value, and the foodstuff shall not be described as “diet” or in words to a similar effect unless the following requirements are complied with:

(a) The provisions of subregulation (14) shall be complied with, except that in the case of a prepacked foodstuff subregulation (14)(b) (iii) shall be complied with whether or not the foodstuff has been specially made for a class of persons referred to in subregulation (14).

(b) If a claim is made on the label that a foodstuff, with the exception of carbonated soft drinks in returnable soft drink bottles with embossed labels, is an aid to slimming or mass control or mass reduction, the foodstuff shall be labelled with the

words “only effective as part of an energy-controlled balanced diet” in letters not less than 3,0 mm in height.

(c) If a claim is made that a foodstuff has a reduced energy value, the energy value of a given mass of the foodstuff or a given volume in the case of a liquid foodstuff, shall not be more than 80% of that of the equivalent mass or volume of a similar foodstuff in relation to which no such claim is made, unless the foodstuff is a diet sweetener.

[Par. (c) amended by G.N.R. 129 of 1996.]

(d) The label shall specify the energy content in kJ/100 g or kJ/100 ml, as the case may be, of the foodstuff.

(e) In the case of a claim that a foodstuff has a low energy value, or if it is described as “diet”—

(i) the energy value of the foodstuff, with the exception of soft drinks, shall not be more than 167 kJ per 100 g or 100 ml, as the case may be, unless the foodstuff is a diet sweetener;

[Subpara. (i) amended by G.N.R. 129 of 1996.]

(ii) the energy value of soft drinks shall not be more than 30 kJ per 100 ml in the ready-to-consume form; and

(iii) in the case of an uncooked foodstuff which naturally has a low energy value, the claim shall be after the name of such foodstuff in the form “low energy foodstuff”.

Meal replacements

(f) If a slimming claim is combined with a claim that the foodstuff may be used to replace part of a daily diet, the foodstuff shall be labelled with a statement to the effect that the foodstuff—

(i) should not be used as a replacement for a person’s whole diet; and

(ii) should be used in conjunction with a energy restricted diet plan totalling more than 3 300 kJ as prescribed by a registered dietician, registered according to the Medical, Dental and Supplementary Health Service Professions Act, 1974 (Act No. 56 of 1974), whose registration number must be stated, and clearly indicating how the slimming aid is to be used to supplement the diet or *vice versa*;

(iii) complies with the requirements of subregulation (15);

(iv) provides at least 35% of the RDA value for all required nutrients as indicated in Annex 3 per serving.

Total diet replacement

(g) If a claim is combined with a claim that the foodstuff is suitable to replace a daily diet, the foodstuff shall be labelled with a statement which clearly indicates—

(i) the serving sizes and directions for use;

- (ii) the information required by subregulation (15);
- (iii) that the foodstuff supplies all the daily required nutrients as indicated in Annex 3, except for energy;
- (iv) that the foodstuff supplies more than 3 300 kJ per day: Provided that where a total diet replacement supplies less than 3 300 kJ per day, there shall be a warning on the label to the effect that the foodstuff should only be consumed under the direct supervision of a physician or registered dietician referred to in paragraph (f) (ii), in letters not less than 3 mm in height.

Protein claims

(24) No claim shall be made on the label of a foodstuff that the foodstuff is a source of protein unless the following requirements are complied with:

- (a) If the claim is made that the foodstuff is a significant, rich or excellent source of protein, at least 20% of the energy value of the foodstuff shall be provided by protein with a nett protein utilisation value of at least 70% or a protein efficiency ratio of 2,0.
- (b) In any other case than that referred to in paragraph (a), at least 12% of the energy value of the foodstuff shall be provided by protein with a nett protein utilisation value of at least 70% or a protein efficiency ratio of 2,0, according to the methods of determination of the nett protein utilisation value and the protein efficiency ratio listed in Annex 4.
- (c) In addition to the requirements referred to in paragraph (a) and (b), in the case of foodstuffs intended for persons under four years of age, the source of protein shall be clearly indicated.
- (d) If a protein claim is made in the labelling of a foodstuff, that foodstuff shall be labelled with a statement of the protein content of each 100 g or 100 ml of the foodstuff, as appropriate, and, where appropriate, of a quantified serving of the foodstuff.

Unsaturated fatty acid claims

(25) No claim shall be made on the label of a foodstuff relating to polyunsaturated fatty acids in such foodstuff unless the following requirements are complied with:

- (a) At least 40% by mass of the fatty acids present shall be polyunsaturated and not more than 20% by mass of the fatty acids may be saturated.
- (b) The foodstuff shall be labelled with a declaration, expressed in grams per 100 g or millilitres per 100 ml of the foodstuff, as appropriate, stating—
 - (i) the amount of fat or oil;
 - (ii) the minimum amount of polyunsaturated fatty acids which are *cis*, i.e. *cis*-methylene interrupted polyunsaturated fatty acids;
 - (iii) the maximum amount of saturated fatty acids,

giving each part of the declaration equal prominence.

- (c) The fat in the foodstuff shall have an iodine value of a minimum of 80.

Cholesterol claims

- (26) No claim shall be made on the label of a foodstuff—
- (a) that it is cholesterol-free unless the foodstuff contains less than 0,005% of cholesterol;
- (b) relating to the lowered level of cholesterol in such foodstuff unless the cholesterol is lowered by 25% of the normal content of such foodstuff, and
- (c) that the foodstuff has a low cholesterol level unless the foodstuff contains less than 0,02% of cholesterol.

Claims which depend on another foodstuff

(27) No claim shall be made that a foodstuff has a particular value or benefit if the value or benefit is derived wholly or partly from another foodstuff that is intended to be consumed with the foodstuff in relation to which the claim is made.

Irradiation

(28) (a) (i) All containers of irradiated foodstuffs shall be unambiguously labelled with the internationally recognized “Radura” emblem in accordance with the specifications in Annex 5 together with one of the following words: “Irradiated” or “Radurised”, “Bestraal” or “Geraduriseerd” directly below the emblem.

(ii) Where bulk containers of irradiated foodstuffs are opened at the point of sale in such a manner that thereafter the statement that the foodstuff has been irradiated is obscured from the consumer’s view a notice with the information prescribed in subparagraph (i) shall be displayed in immediate proximity to such a foodstuff and in clear view of the purchaser.

(b) (i) In the case of foodstuffs containing an irradiated component(s) in more than 10% of the mass of the finished product, the words “Irradiated” or “Radurised”, “Bestraal” or “Geraduriseerd” shall appear opposite the relevant component(s) in the list of ingredients on the label and the internationally recognized “Radura” emblem may be omitted.

(ii) Where foodstuffs containing an irradiated component(s) in more than 10% of the mass of the finished product, are presented for sale in such a manner that the consumer can no longer see that the foodstuff contains an irradiated component(s), a notice with the information prescribed in paragraph (a) (i) shall be displayed in immediate proximity to such a foodstuff and in clear view of the purchaser.

(c) The producer of an irradiated foodstuff may, in addition to the labelling requirements, indicate the purpose of irradiation of such foodstuff, e.g.:

“IRRADIATED FOR PURPOSES OF INSECT CONTROL”.

4. Exemptions.—

Ingredients which need not be named

(1) The following ingredients of a foodstuff need not be named in the list of ingredients:

- (a) Constituents of an ingredient which have become temporarily separated during the manufacturing process and are later reintroduced in their original proportions;
- (b) any substance other than water which is used as a solvent or carrier for a food additive or nutrient and which is used in an amount that is consistent with good manufacturing practice;
- (c) any inactive constituents of capsules or tablets;
- (d) the constituents of a compound ingredient in a case where the compound ingredient would not be required to bear a list of ingredients if it were itself being sold prepacked as a foodstuff.

Foodstuffs which need not bear a list of ingredients

(2) The following foodstuffs need not be labelled with a list of ingredients:

- (a) Water to which no ingredient other than carbon dioxide has been added and the name of which indicates that it has been carbonated;
- (b) vinegars which are derived by means of fermentation exclusively from a single basic product and to which no other ingredient has been added;
- (c) a dairy product to which no ingredient other than milk, a starter culture or rennet has been added;
- (d) any drink referred to in the Sorghum Beer Act, 1962 (Act No. 63 of 1962);
- (e) beer as described in the Liquor Act, 1989 (Act No. 27 of 1989).

Proportions or amounts

(3) All ingredients of a mixture, compound or blend as well as foodstuffs for which compositional standards have been laid down under the Act or under another act, shall be exempt from the provisions of section 3 (1) of the Act relating to the specification on the label of the proportions or amounts in which the ingredients are present, unless explicitly otherwise provided by regulation.

Complete exemptions

(4) The following foodstuffs, sold as such, shall, unless otherwise provided in these regulations, be exempt from the requirements regarding labelling:

- (a) Hens' eggs and ostrich eggs;
- (b) unprocessed vegetables and fruit which have not been mixed;
- (c) any flour confectionery which is prepacked in an open or transparent packaging only;
- (d) any prepacked confections commonly known as one-bite sweets, which are sold individually;

- (e) wheaten products which are not prepacked and for which compositional standards exist in terms of the Agricultural Product Standards Act, 1990 (Act No. 119 of 1990);
- (f) any drink referred to in the Liquor Products Act, 1989 (Act No. 60 of 1989): Provided that where the drink contains the colourant "tartrazine" the fact shall be indicated on the label in accordance with the provisions of the Act;
- (g) unprocessed fish, meat and poultry which have not been prepacked;
- (h) unprocessed fish, meat and poultry prepacked in such a way that the purchaser is able to identify the contents of the package;
- (i) any foodstuff prepared and sold on the premises of a catering establishment for immediate consumption;
- (j) unpacked or transparently-packed portions of foodstuffs that are sold as snacks on the premises of preparation; and
- (k) any foodstuff which is sold in bulk other than by retail and which is accompanied by relevant trade documents reflecting all particulars required by these regulations to appear on the label of a prepacked foodstuff.

Sugar and chocolate confectionery

(5) Sugar and chocolate confectionery and table jellies shall be exempt from the provisions of regulations 3 (10).

Pectin-containing foodstuffs

(6) Jelly, fruit jelly containing less than 0,6% of added pectin or pectinaceous material, and all jams containing less than 0,3% of added pectin shall, provided such foodstuffs contain no thickener other than pectin, be exempt from the requirement that thickeners shall be declared on the label.

Small packages

(7) Subject to regulation 3 (6) any prepacked foodstuff the packaging of which has a total exterior area of less than 2 000 m² shall be exempt from the requirements regarding labelling, with the exception of the declaration of the name of the foodstuff.

5. Withdrawal.

The regulations promulgated under Government Notice No. R. 908 of 27 May 1977, as amended by Government Notices Nos. R. 1389 of 22 July 1977, R. 1843 of 28 August 1981, R. 2298 of 26 October 1984 and R. 2567 of 15 November 1985, are hereby withdrawn in so far as they relate to foodstuffs.

6. Commencement.

These regulations shall come into operation on 1 May 1995.

Annex 1

**CATEGORIES OF INGREDIENTS WHICH MAY BE IDENTIFIED BY
THEIR CATEGORY NAME IN A LIST OF INGREDIENTS**

Acids, bases and salts.

Anti-caking agents.

Antifoaming agents.

Anti-oxidants.

Chewing-gum bases.

Clouding agents.

Colourants (excepting tartrazine).

Emulsifiers.

Emulsifying salts.

Enzymes.

Firming agents.

Flavourants.

Flavour enhancers (excepting MSG and sodium chloride).

Flour improvers.

Foaming agents.

Gelling agents.

Glazing agents.

Herbs and spices.

Raising agents.

Stabilisers.

Starches.

Thickeners.

Vegetable oils and fats.

[“Vegetable oils and fats” inserted by G.N.R. 129 of 1996.]

Annex 2

**CLAIMS RELATING TO FOODSTUFFS FOR PARTICULAR NUTRITIONAL
USES: PRESCRIBED ENERGY STATEMENT**

1. Definition.—For the purpose of regulation 3 (14) (c) “the prescribed energy statement” means—

- (a) in relation to a foodstuff with an energy value of 50 kJ or more per 100 g or 100 ml of the foodstuff, as the case may be, a statement of—

- (i) the energy value, expressed in kilojoules, of each 100 g or 100 ml of the foodstuff, as the case may be, and, where appropriate, of a quantified serving of the foodstuff; and
 - (ii) the amount of carbohydrate, protein and fat contained in each 100 g or 100 ml of the foodstuff, as the case may be, and, where appropriate, in a quantified serving of the foodstuff;
- (b) in relation to a foodstuff with an energy value of less than 50 kJ per 100 g or 100 ml of the foodstuff, as the case may be—
- (i) as a statement referred to in paragraph (a); or
 - (ii) a statement to the effect that the energy value of the foodstuff is less than 50 kJ per 100 g or 100 ml of the foodstuff, as the case may be.

2. Energy conversion factors.—In the calculation of the energy value of a foodstuff for the purposes of the prescribed energy statement referred to in this Annex the following conversion factors shall be employed:

- (a) 1 g of available carbohydrates (expressed as monosaccharides) shall be deemed to contribute 16 kJ;
- (b) 1 g of sugar alcohol shall be deemed to contribute 10 kJ;
- (c) 1 g of protein shall be deemed to contribute 17 kJ;
- (d) 1 g of alcohol (ethanol) shall be deemed to contribute 29 kJ;
- (e) 1 g of fat shall be deemed to contribute 37 kJ;
- (f) 1 g of organic acid shall be deemed to contribute 13 kJ.

Annex 3

**RECOMMENDED DIETARY ALLOWANCES FOR
THE PURPOSE OF THESE REGULATIONS**

[Annex 3 amended by G.N.R. 396 of 1997.]

<i>Nutrient</i>	<i>Unit of measurement</i>	<i>Adults and children older than 10 years</i>
Protein.....	g	56
Vitamin A.....	µg retinol ¹	1 000
Vitamin D.....	µg ²	5
Vitamin E.....	mg α-TE ³	10
Vitamin C.....	mg	60
Vitamin B ₁ or thiamin.....	mg	1,4
Vitamin B ₂ or riboflavin.....	mg	1,6
Nicotinic acid, nicotinamide or	mg	18

niacin.....		
Vitamin B ₆ or pyridoxine	m g	2
Folic acid or folacin.....	µg	200
Vitamin B ₁₂ or cyanocobalamin...	µg	1
Biotin.....	µg	100
Pantothenic acid.....	m g	6
Calcium.....	m g	800
Phosphorus.....	m g	800
Iron.....	m g	14
Magnesium.....	m g	300
Zinc.....	m g	15
Iodine.....	µg	150

1. µg retinol = 1 retinol equivalent (RE) = 6 µg trans-B-carotene = 12 µg other provitamin A carotenoids = 3,33 IU (international units) vitamin A = 10 IU provitamin A carotenoids.

[Footnote 1 substituted by G.N.R. 396 of 1997.]

2. "As cholecalciferol. 1 µg cholecalciferol = 40 I.U. of vitamin D".
3. "α tocopherol equivalents. 1 mg d,α-tocopherol = 1 α-TE (tocopherol equivalents) = 1,49 I.U. (1 I.U. = 1 mg dl-α-tocopherol-acetate)".

Annex 4

METHODS OF DETERMINING NET PROTEIN UTILISATION VALUE, THE PROTEIN EFFICIENCY RATIO, AND THE PROTEIN AND FAT CONTENTS OF FOODSTUFFS

1. Net protein utilisation value and protein efficiency ratio.

Net protein utilisation value and the protein efficiency ratio of a foodstuff are determined according to the methods described in the latest edition of *Official Methods of Analysis of the Association of Official Analytical Chemists* published by the Association of Official Analytical Chemists of the United States of America.

2. Determination of protein content of foodstuff.

FACTORS FOR CONVERTING TOTAL NITROGEN TO PROTEIN

<i>Foodstuff</i>	<i>Factor</i>
Cereals, soya and soya products.....	5,70
Oil seeds and nuts	5,30
Milk and dairy products	6,38
Gelatine.....	5,55

All other foods	6,25
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3. Fat content of foodstuffs.

The fat content of a food stuff is determined according to the method described in the latest edition of "Official Methods of Analysis of the Association of Analytical Chemists" published by the Association of Analytical Chemists of the United States of America.

Annex 5

The internationally recognised Radura emblem together with the words "Irradiated" or "Radurised" directly below it in the form of either of the facsimiles hereunder shall be displayed in a conspicuous place on the bulk container of irradiated products. The emblem shall be clearly visible and the letters clearly legible.

Facsimile 1



Facsimile 2



Specification

1. Emblem and qualifying words "Irradiated" or "Radurised" shall be printed in bold print against a contrasting background, clearly visible, easily legible and indelible and the legibility shall not be affected by pictorial or any other printed matter.
2. The minimum outer circle diameter of the emblem shall be 10 mm except in the case of a package of which the area of the main panel is less than 12000 mm^2 , where the size of the emblem may be reduced in the proportions prescribed in regulation 2 (8) (b) (i).
3. The emblem shall be constructed as indicated in Facsimile 3 with relative sizes and indicated by "A".
4. The letters of qualifying words shall be of uniform size throughout and of the same relative size as indicated by "A".

Facsimile 3
SYMBOL CONSTRUCTION

