

GOVERNMENT GAZETTE NO 30075

DEPARTMENT OF HEALTH

No. R 642

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FOODSTUFFS, COSMETICS AND DISINFECTANTS ACT, 1972 (ACT 54 OF 1972)

REGULATIONS RELATING TO THE LABELLING AND ADVERTISING OF FOODSTUFFS

The Minister of Health intends, under section 15 (1) of the Foodstuffs, Cosmetics and Disinfectants Act, 1972 (Act 54 of 1972), to make the regulations set out in the Schedule.

Interested persons are invited to submit any substantiated comments or representations on the proposed regulations to the Director-General of Health, Private Bag X828, Pretoria, 0001 (for the attention of the Director: Food Control), within 3 months from the date of publication of this notice.

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SCHEDULE

1. DEFINITIONS

In these regulations, 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 of South Africa and includes the street or road number or name and the name of the town, village or suburb and, in the case of a farm, the name or number of the farm and of the magisterial district in which it is situated;

“**allergen**” means any substance that causes an allergic or other adverse immune response;

“**annexure**” means an annexure to these regulations;

“**antioxidant**” means an additive that prolongs the shelf life of foods by protecting against rancidity or colour changes or other deterioration caused by oxidation or a nutrient that protects cells against free radical oxidation;

“**approve**” in terms of certification means the procedure by which the certifying organisation evaluates and gives a formal recognition that the inspection and certification programme complies with the requirements of appropriate regulations or standards;

“**audit**” in terms of certification means a systematic and functionally independent examination to determine whether activities and related results comply with planned objectives;

“**batch**” means a definite quantity of a commodity produced essentially under the same conditions;

“**Best before**” or “**Best before end**” or “**Best consumed before**” or “**BB**” means the date indicating the end of the period under the stated storage conditions as specified on the label by the manufacturer, until which the product will retain any specific qualities for which tacit or express claims have been made;

“**bleaching**” in terms of oil manufacturing means the use of filters, “Fuller’s earth”, and/or acid-treated activated clays to bleach oils by removing pigments (such as chlorophyll and beta-carotene), natural polycyclic and aromatic substances and remaining traces of soap at a temperature of 110°C (230°F) for 15 to 30 minutes, during which trans fats and/or toxic peroxides are formed from essential fatty acids present in the oil;

“bulk stock” means either a container that is used to display several individual units suitable for sale by itself, or several units, which are pre-packed or wrapped for the purpose of bulk sales or foodstuffs, which are offered for sale to consumers in quantities of their own choice from a large-scale container;

“carbohydrate” means the sum of all glycaemic carbohydrates that are carbohydrates, which are available for metabolism;

“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*;

“certification” means the procedure by which approved certifying organisations provide written or equivalent assurance that a product, process or service is in conformity with certain standards;

“certification programme” means an approved system of rules, procedures and management for carrying out certification;

“certifying organisation” means an organisation performing certification through an audit process;

“chemically extracted” in terms of oil manufacturing means using one or more of the following processes degumming, refining, bleaching and deodorizing and the oil contains no traces of chemical solvents;

“chilled” or “refrigerated” means stored at any temperature ranging from 0°C to 7°C, as appropriate for the specific type of product;

“chocolate confectionary” means any foodstuff that contains chocolate as it is described in *Codex* and which is meant to be consumed as a sweet snack;

“claim” in relation to a foodstuff or nutritional 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, nutritional properties, composition, quality, durability, origin or method of manufacture or production;

“clean, safe and sound” in relation to a foodstuff, means that the foodstuff or ingredient is fit for human consumption;

“**Codex**” means the latest version of the relevant Codex Standard or Guideline issued by the Codex Alimentarius Commission of the Joint FAO/WHO Food Standards Programme;

“**colourant**” means any substance described as such in the Regulations Relating to Food Colourants published under the Act;

“**common allergens**” means an ingredient derived from egg, milk, crustaceans and molluscs, fish, peanuts, soybeans, tree nuts, natural flavourants and an ingredient, which is derived from cereals of all *Triticum* species such as kamut and spelt, wheat, durum wheat, rye, barley, oats, or their crossbred varieties or the products thereof;

“**comparative claim**” means a claim that compares the nutrient level(s) and/or energy value and/or alcohol level and/or synthetic colourant level of two or more similar foodstuffs;

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

“**container**” means any packaging of foodstuffs for sale at retail level or for catering purposes for delivery as a single item, whether by completely or partially enclosing the foodstuff and includes wrappers for individual and multiple-unit-packs;

“**contaminant**” means any substance not intentionally added to foodstuffs, which is present in such foodstuff as a result of the production, manufacture, processing, preparation, treatment, packing, packaging, transport or holding of such foodstuff or as a result of environmental contamination;

“**cold-pressed**” in terms of oil manufacturing, has the same meaning as mechanically pressed;

“**cross-sectional study**” means a study design that relates the rates of a certain exposure to the levels of an outcome of interest in a number of individuals or populations. Key feature is that exposure and outcome are measured at the same point in time and in different groups of individuals;

“**daily serving**” means the average daily intake of a food vehicle;

“**dairy product**” means milk or a product obtained or manufactured exclusively or mainly from milk;

“**date of manufacturing**” means the date on which the food becomes the product as described;

“**deflavour**” means the intentional removal of the bulk of volatile and non-volatile natural flavourants from fruit juices or fruit juice concentrates;

“degumming” in terms of oil manufacturing means the removal of phospholipids including lecithin, true gums, protein-like compounds, polysaccharides, chlorophyll, calcium, magnesium, iron, copper and other nutrients and biologically active substances from unrefined oils through external heat of about 60°C (140°F) with water and phosphoric acid;

“deionise” in terms of fruit juices or fruit juice concentrates means the intentional removal of the bulk of mineral salts from fruit juices or fruit juice concentrates;

“deodorise” in terms of oil manufacturing means the process during which the oil is steam-distilled under pressure at a high temperature of between 240 to 270°C (464 to 518°F) for 30 to 60 minutes in the absence of air and during which the aromatic oils, nutrients, free fatty acids, and molecules that impart pungent odors and unpleasant tastes (peroxides), which were not present in the natural oils before refining and bleaching, are removed and during which, from the temperature of 150°C (302°F), unsaturated fatty acids become mutagenic and from 160°C (320°F), trans fatty acids are formed;

“dietary fiber” or “fiber” means intrinsic plant cell wall polysaccharides;

“drained weight” means the remaining solid part of the foodstuff that is ordinarily used for culinary purposes or consumption after excess liquid has been drained under normal culinary practices;

“endorse” means to confirm or convey or declare an approval of a particular foodstuff in any manner but exclude certification;

“enhanced function claim” means claims which concern specific beneficial effects of consumption of foods or their constituents in the context of the total diet on normal functions or biological activities of the body (nutrient function claims) beyond their established role in growth, development and other normal functions of the body and relate to a positive contribution to health or to the improvement of a function or to modifying or preserving health;

“enrichment” means the voluntary addition by a manufacturer of one or more nutrient(s) to a foodstuff, excluding foodstuffs not regarded as essential for a healthy diet as listed in Annexure 6, whether or not it is normally contained in the food, with the sole purpose of adding nutritional value to the food;

“evidence-based nutrition” means the application of the best available systematically assembled evidence in setting nutrition policy and practice;

“fat” or “lipid” means the total amount of chemically extractable fat, including phospholipids, determined according to the appropriate extraction method for animal and plant fats as described in Guideline 2;

“flavourant” means a natural, nature-identical or artificial flavouring substance or preparation in concentrated form with or without solvents or carriers 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 that enhances, intensifies or supplements the existing taste and/or odour of a foodstuff;

“flour confectionery” means any cooked foodstuff ready for consumption without further preparation (other than reheating) having as its characteristic ingredients ground cereal and sweeteners and/or other ingredients, and includes uncooked pastry casings but does not include pizzas, samoosas, sausage rolls, meat pies and dry biscuits;

“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 organoleptic) 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 its by-products 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 constituent” means any biologically active substance other than a nutrient, which is naturally present in certain foodstuffs and with which health effects are associated;

“foodstuffs for catering purposes” means those foodstuffs intended for use in the hospitality services, schools, hospitals and similar institutions;

“food vehicle” means dry, uncooked wheat flour, dry, uncooked maize meal and bread prepared with and containing at least 90% fortified wheat flour and/or maize meal, but excludes water;

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

“fortification” means the addition of one or more micronutrient(s) to a foodstuff identified by Regulations Relating to the Fortification of Certain Foodstuffs and the Regulations Relating to Salt under the Act, whether or not the micronutrient is normally contained in the food, for the purpose of preventing or correcting a demonstrated deficiency of one or more nutrients in the general population of and/or persons in South Africa as determined by the Department;

“fresh processed meats” means raw meat products from all species of meat animals and birds that have undergone a process of the addition of marinades, sauces or basting solutions containing water, either by injection, massaging, tumbling or soaking, but no further processing except packaging;

“frozen” means stored at any appropriate temperature colder than 0°C which will maintain a specific product in its hard, cold condition or state;

“function claim” means a claim that describes the physiological role of the nutrient or substance in growth, development and normal functions of the body;

“gluten” means the protein fraction from wheat, rye, barley, oats or other cereals of all *Triticum* species and their crossbred varieties and derivatives thereof, to which some persons are intolerant and that is insoluble in water and 0,5M NaCl and of which the method of analysis is stipulated in these regulations and the Guidelines;

“Glycaemic Index (GI)” means the blood glucose responses of carbohydrate foods under certain conditions as specified in the Guidelines;

“Glycaemic load (GL)” means a numerical expression of how much impact a specific carbohydrate food will have in affecting blood glucose levels and which is calculated according to the formula in the Guidelines;

“good manufacturing practice” means that combination of manufacturing and quality control procedures aimed at ensuring that food products are consistently manufactured to their specifications;

“Guidelines” means guidelines as determined from time to time by the Director-General in terms of these regulations;

“health claim” means any representation that states, suggests or implies that a relationship exists between a food or a constituent of that food and health, and include but is not limited to nutrient function claims, enhanced function claims, reduction of disease risk claims, prebiotic claims, probiotic claims and slimming claims;

“health practitioner” means any medical or dental practitioner, psychologists or other person who carry on a supplementary health service referred to in the Health Professions Act, 1974 (Act 56 of 1974) or The Allied Health Professions Act, 1982 (Act 63 of 1982);

“honey” means the sweet foodstuff derived from the nectar of flowers, sugary excretions of insects, plant juices or sugary secretions of living plant parts other than flowers after it has been gathered, partially converted and stored in the comb by honeybees or stingless bees;

“**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 is present in the final product, although possibly in a modified form;

“**irradiation**” means deliberate exposure to ionising radiation;

“**intervention study**” means a trial, an experimental study in which investigators intervene by allocating and establishing an intervention or different interventions to and in certain subjects. See also ‘observational study’ and ‘randomised controlled trial’;

“**label**” means any tag, brand, mark, pictorial or other descriptive matter, written, printed, stencilled, marked, embossed or impressed upon, or permanently attached to a container of a foodstuff, including labelling for the purpose of promoting its sale or disposal;

“**liquid medium**” means water, or aqueous solutions of sugar or salt, or fruit and vegetable juices in canned fruits and vegetables only, or alcohol beverages in the case of typical traditional South African dishes, or vinegar, or oil, either singly or in combination;

“**main ingredient**” means the ingredient(s) in a foodstuff that have the greatest mass, excluding water;

“**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 safe, clean and sound skeletal musculature of any healthy food animal, including game or bird species, with or without fat, connective tissue, lymphatic and nervous tissue, bone and cartilage, blood vessels and residual blood, scraped skin (pigs) and defeater skin (poultry) that are naturally associated with such musculature *in situ* of the dressed carcass and head, excluding the musculature of the lips, tongue, snout, scalp and ears, offal, and mechanically recovered meat;

“**mechanically pressed**” in terms of oil manufacturing means the oil that has been obtained by applying mechanical pressure in the absence of light and air and has reached temperatures not exceeding 50°C (122°F) without applying any external heat during the entire journey from seed to bottle to shelf and which has not been degummed, refined, bleached or deodorised;

“**mechanically recovered meat**” means the residual muscular tissue, collagen, marrow and fat which has been recovered, using mechanical equipment, from animal bones or poultry carcasses

from which the bulk of meat has been previously manually removed, and shall have a maximum Calcium content of 0,2%;

“**MDR**” means the minimum dietary requirement of essential nutrients for nearly all healthy individuals ~~in a particular life stage and gender group~~ to maintain health and which is suitable for labelling purposes;

“**meta-analysis**” means a quantitative summary (pooled analysis) of several individual studies of a similar type. Both intervention and observational studies can be meta-analysed;

“**naked bread**” means bread, bread rolls and bread buns displayed for sale without being prepacked;

“**name**” means a word or words giving a true description of the nature of the food product concerned, sufficiently precise to avoid misleading or confusing the consumer in regard to the true nature, physical condition, type of packing medium, style, condition and type of treatment it has undergone to enable such product to be distinguished from products which it could be confused with;

“**non-nutritive sweetener**” means a sweetener listed in Regulations Relating to the Use of Sweeteners in Foodstuffs under the Act, or a mixture of such non-nutritive sweeteners, of which an amount with the sweetening equivalent of 5g of sucrose does not have an energy value of more than 8kJ;

“**nutrient**” means any natural or synthetic substance consumed as a constituent of a foodstuff, which provides energy or which is needed for growth, development and maintenance of life or of which a deficit will cause characteristic biochemical or physiological changes to occur;

“**nutrient content claim**” means a claim that describes the level of a nutrient contained in a foodstuff;

“**nutrition claim**” means any representation that refers to a specific nutrient content of a particular foodstuff namely a nutrient content claim or a comparative claim;

“**observational study**” means a study wherein researchers do not intervene but only observe outcomes of interest and the levels of their suspected causes;

“**offal**” means any edible part, including blood and its products, of any animal or bird that is not included in the definition of meat or mechanically recovered meat;

“**omega-3 fatty acids**” means the sum of alpha-linolenic acid (ALA) and the omega-3 derivatives, docosahexaenoic acid (DHA) and eicosapentaenoic acid (EPA);

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

“**prebiotics**” means a non-digestible food component or ingredient with a degree of polymerisation (DP) between 2 to 60 which has a proven beneficial effect on the host's health by selectively stimulating the growth and metabolic activities of one or a limited number of beneficial, indigenous, intestinal bacteria, thus improving the host's intestinal balance;

“**prepacked**”, means the packaging of a foodstuff in packaging material ready for sale to the consumer or to a catering establishment, so that such foodstuff cannot be altered without opening or changing the packaging but does not include individually wrapped one-bite sugar confectionary 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;

“**preservative**” means an additive that prolongs the shelf life of a food by protecting against deterioration caused by microorganisms;

“**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;

“**prevention of disease**” means hindrance of the onset of disease. This hindrance may reduce the probability or risk of a disease to zero, but it usually reduces the risk to a lesser degree;

“**probiotic**” means live bacteria indigenous to the human intestinal tract, which, when consumed in adequate numbers, beneficially affect the health and functioning of the host's intestinal tract by modulating mucosal and systemic immunity as well as improving the nutritional and microbial balance and are therefore considered a dietary adjuvant and are added to foodstuffs for their prophylactic and health enhancing properties;

“**probiotic bacteria**” means bacterial strains selected mainly from the genera *Lactobacillus* and *Bifidobacterium* for which no drug or antibiotic resistance has been reported in independent studies published in credible, acceptable, peer-reviewed scientific journals, and these strains can be used in biotherapeutics for therapeutic purposes or added to foodstuffs for their prophylactic and health enhancing properties;

“**probiotic properties**” means that the probiotic bacteria that are able to survive passage through the digestive tract without being destroyed by the action of hydrochloric acid, bile and pancreatic enzymes and that can adhere to the intestinal epithelium, colonise the intestinal tract and that are capable of proliferating in the gut, where they produce anti-microbial substances which control and destroy

pathogenic bacteria, viruses, yeasts and fungi and in addition, play an important part in the maturation and stimulation of the human immune system;

“processed” means a foodstuff that has been subjected to any process which alters its original state, excluding harvesting or slaughtering and preparing by cleaning; decapitating; defeathering; dehairing; eviscerating; portioning; removing of fish scales, blemishes, fruit and vegetable foliage or shells; fermentation of tea; sectioning; mincing; deboning; removing the skin of fruits, vegetables and animals; washing; chilling, freezing, freeze-drying, drying of legumes and irradiation;

“prolamins” means the fraction from gluten, which can be extracted by 40 to 70% of ethanol; the prolamin from wheat being gliadin, from rye secalin, from barley hordein and from oats avenin and of which the method of analysis is referred to in the Guidelines;

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

“randomised controlled trial (RCT)” means a study design in which subjects are randomly allocated to study groups. As a result the groups will expectedly not differ systematically, except with regard to an intervention that one group will undergo and the other will not. As a result, the effects observed can principally be ascribed to the intervention;

“rare allergen” means any food allergen not classified as a common allergen and rubber protein from latex;

“reduction of disease risk claim” means a claim that relates the consumption of a food or food constituent, in the context of the total diet, to the reduced risk of developing a disease or health-related condition;

“refining” in terms of oils means oils that are mixed with a corrosive base such as sodium hydroxide (NaOH), (caustic soda) or with a mixture of NaOH and Sodium carbonate (Na_2CO_3) to remove any free fatty acids at a temperature of about 75° C (167°F) after the degumming process, resulting in the removal of more phospholipids, protein-like substances and minerals. The oil may still contain pigments, usually red or yellow at this stage;

“reputable laboratory” means a laboratory which has the required accreditation for each method used for the purpose of nutritional and microbiological information on labels of foodstuffs or nutritional supplements by the South African National Accreditation Services (SANAS) or another recognised international accreditation authority who is a member of the International Laboratory Accreditation Cooperation (ILAC) and part of the International Laboratory Accreditation Arrangement;

“resistant starch (RS)” means the fraction of starch not absorbed in the small intestine and consists of physically enclosed starch (RS1), certain types of raw granules (RS2) and retrograded amylose (RS3). Modified starches used as food additives may also be partially resistant (RS4);

“SANAS” means the South African National Accreditation Services, a non-profit organisation registered in terms of section 21 of the Companies Act, 1973 (Act 61 of 1963) registration No.199600354/08;

“sell by” or “display until” means the last date of offer for sale to the consumer after which there remains a reasonable storage period at home during which the product is still safe and edible;

“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;

“serving” or “portion” in relation to a foodstuff, means the mass, volume or number, as the case may be, of a foodstuff which is typically consumed as a single serving by most people and listed in Annexure 7;

“single ingredient agricultural commodities” means individual fresh fruit and vegetables, single ingredient frozen vegetables, single ingredient dehydrated vegetables without any added additive or ingredient, single ingredient dried fruit without any added additive or ingredient, eggs (hens’ and ostrich), fresh or frozen unprocessed fish and marine products, unprocessed meat of poultry, bovines, goats, sheep, and pigs, black and green tea, honeybush tea, rooibos tea, vinegar, honey, single ingredient whole grain cereal kernels, single ingredient rice, single ingredient raw oil seeds, raw soya beans, raw groundnuts without any added ingredient or additive, single ingredient dry legumes, milk, dairy cream, raw fresh tree nuts without any added additive or ingredient, and fresh or dried coconut flesh;

“soy protein” means a soy protein product with a Protein Digestibility Corrected Amino Acid (PDCAAS) value of at least 91;

“starch” means edible starch as listed in Guidelines 3 and exclude chemically modified starches;

“strict vegetarian diet” means a diet which includes ingredients of multi-cellular plant, fungal, algal and bacterial origin, but which excludes all ingredients and additives derived from animal origin; and the expression “vegan diet” may be used instead of “strict vegetarian diet”;

“substance” means a collective term for any chemical, microbiological or physical component present in or added to a foodstuff;

“substantial transformation” means such a fundamental change in form, appearance or nature that the goods existing after the change are new and different goods from those existing before the change;

“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, and which may contain non-nutritive sweetening agents;

“sugar(s)” mean(s) any one or any combination of the following sugars such as xylose and mono- and disaccharides such as corn syrup, deionised, deflavoured fruit concentrates and juices, dextrose, dextrose syrup, fructose, fructose syrup, glucose, glucose syrup, invert sugar, lactose, maltose, maltose syrup, sucrose, and sucrose syrup;

“synbiotic” means a combination of a prebiotic and an approved probiotic in a food product;

“the Act” means the Foodstuffs, Cosmetics and Disinfectants Act, 1972 (Act 54 of 1972);

“total carbohydrates” means the sum of all the sugars, oligosaccharides and polysaccharides as indicated in the Guidelines;

“total lean meat content”, per cent, means the result after the mass percentage of nitrogen, represented by the non-meat proteinaceous material present in the product, multiplied by a factor of 30, has been deducted from the lean meat content per cent;

“trace” in the case of tests that have a limit of quantification and a limit of detection, means that the amount of the analytical result of a substance is below the limit of quantification; and in the case of tests that only have a limit of detection, means that the amount of the analytical result of a substance is below the limit of detection;

“traceable/traceability/product tracing” means the ability to follow the movement of a food through specified stage(s) of production, processing and distribution;

“trans-fat” means the sum of all the trans fatty acids of all the geometrical isomers of monounsaturated and polyunsaturated fatty acids having non-conjugated, interrupted by at least one methylene group, carbon-carbon double bonds in the trans configuration as derived from partial hydrogenation of vegetable oils, but excludes trans-fat naturally occurring in meat and dairy products;

“**tree nuts**” means almonds (*Amygdalus communis L.*), brazil nuts (*Bertholletia excelsa*), cashew nuts (*Anacardium occidentale*), hazel nuts (*Corylus avellana*), macadamia nuts (*Macadamia ternifolia*), pecan nuts (*Carya illinoensis*[Wangenh] K. Koch), pistachio nuts (*Pistachia vera*) and walnuts (*Juglans regia*);

“**typical values**” means the real, typical, representative, nutritional or microbiological values of a foodstuff which is sampled according to the relevant criteria stipulated in the Guideline and which is analysed in accordance with the methods described in these regulations and the Guidelines, and which has the required accreditation by the South African National Accreditation Services (SANAS) or other recognised international accreditation authority which are part of the ILAC arrangement;

“**vegetarian**” means the ingredients are of multi-cellular plant, fungal, algal and bacterial origin to the exclusion of all animal flesh and products obtained from the slaughter of an animal, such as gelatine, animal fats, caviar and roe, and may include honey, dairy foods produced without any slaughter by-products, and/or unfertilised eggs obtained from live animals;

“**Use by**” means the date which signifies the end of the period of durability under the stated storage conditions as specified on the label by the manufacturer, after which the product probably will not have the quality attributes normally expected by consumers and after which date the food should not be regarded as safe for human consumption;

“**water**” means a, transparent, colourless, tasteless, odourless compound of one oxygen and two hydrogen molecules in a liquid or frozen state with no energy value to which no additive or nutrient or any other substance, except carbon dioxide has been added;

“**whole grains**” means grains from cereals, which, after milling, contain all the components of the original whole kernel, namely germ, fiber and endosperm in the same amounts and ratio as the original whole kernel.

GENERAL PROVISIONS

2. No person shall -
- (a) manufacture, import, pack, supply, distribute, sell, display or offer any pre-packaged foodstuff for sale, unless the foodstuff container, or the bulk stock from which it is taken is labelled in accordance with these regulations;
 - (b) advertise a foodstuff in any manner, which contains any information, claim, reference or declaration not permitted on the label in accordance with these regulations; and
 - (c) offer for sale a foodstuff of which the portion size exceeds the portion size indicated in Annexure 7.
3. A non-prepacked foodstuff that is displayed for sale shall have the particulars with which it is required to be labelled in terms of these regulations appearing on display in its immediate proximity.

Nutritional information

4. (1) A nutrition or health claim that is made on the label shall be accompanied by the appropriate nutritional information i.e., the real, typical values as determined by chemical or microbiological analysis in accordance with the methods recommended in these regulations and Guidelines or Codex, and where nothing is recommended an accredited method by SANAS and/or ILAC.
- (2) Where voluntary nutritional information is provided on the label but no nutrition, Glycaemic Index or health claim is made, the nutritional information from the latest edition of the National Food Composition Tables by the South African Medical Research Council (MRC) may be used as the source of information in the case of single ingredient agricultural commodities: Provided that in cases where no suitable information is available from the above-mentioned Food Composition Tables, other recognised Food Composition Tables or in-house analytical data may be used and an indication of the source of the information shall be indicated as a footnote under the table with nutritional information.
- (3) Where voluntary nutritional information is provided in the absence of any nutrition, Glycaemic Index, or health claim for foodstuffs other than single ingredient agricultural commodities, the source of the nutritional information shall be the real, typical values as determined by chemical or microbiological analysis in accordance with the methods recommended in these regulations and Guidelines or Codex.
5. Subject to the provisions of regulation 6, information required to appear on any label shall be -
- (a) in at least one official language of the Republic of South Africa; and
 - (b) clearly visible, legible and indelible and the labels of pre-packaged foodstuffs shall be applied in such a manner that they do not separate from the container.

Letter sizes

6. The name of a foodstuff of which the main panel exceeds 12 000mm² shall be at least 4mm in height for the smallest letter and words which qualify the name of such foodstuff or which are an essential part of the description thereof shall be in prominent, distinctive, legible letters of the same size, font, colour, prominence and legibility not less than one third of the letter size of the biggest letter of the name, except in cases -

(a) where specific requirements for the letter size of the name are stipulated in the provisions of the Agricultural Products Standards Act, 1990 (Act 119 of 1990); and

(b) where the area of the main panel of the label is less than 12 000mm², in which case the letter size of the name and description thereof as described in this regulation may be proportionally smaller in accordance with the directions in the table below, provided that the minimum height to which the letters may be reduced shall not be less than 1mm:

Area of main panel in mm ²	Percentage (%) of prescribed height
8 000mm ² to 12 000mm ²	85
5 000mm ² to 8 000mm ²	70
3 000mm ² to 5 000mm ²	50
2 000mm ² to 3 000mm ²	25

7. The listing of ingredients and proportions of ingredients shall be in a letter type of uniform size, colour, font and prominence throughout and the first letter may be a capital letter.

Identification

8. The label of a foodstuff shall contain -

(a) on the main panel, the name of the particular foodstuff, provided that where the name is not a proper description of the foodstuff, the name shall be accompanied by a appropriate description and where a name or names have been established for a food in a Codex Alimentarius Standard, at least one of these names shall be used;

(b) the name and address of the manufacturer, packer, seller or person on whose behalf the foodstuff is prepacked, provided that in the case of imported foodstuffs, the name and address of the importer or distributor shall appear on the label as well;

(c) instructions for use of a foodstuff, where it would be difficult to make appropriate use of such foodstuff without such instructions;

(d) the list of ingredients required by regulations 19 to 27, where applicable;

(e) special storage conditions, where applicable, in capital (upper-case) letters not less than 3,0mm in height; and

(f) the net contents of the container.

9. The net contents shall be declared in the metric system in accordance with the requirements of the Trade Metrology Act, 1973 (Act 77 of 1973).

Country of origin

10. Unless otherwise required by the provisions of the Agricultural Products Standards Act, 1990 (Act 119 of 1990), the country of origin of a foodstuff shall be declared on the label as follows:

- (a) "Product of (name of country)" if all the ingredients, excluding additives, nutrients and microbiological cultures designated for use in foodstuffs are from one specific country; or
- (b) "Produced in (name of country)", "Manufactured in (name of country)" or "Packed in" where not all the ingredients, excluding additives, nutrients and microbiological cultures designated for use in foodstuffs are from the country producing or packing the final product.

Batch identification

11. A container of a foodstuff shall be clearly marked in such a way that the producing factory where a final product is produced as well as the details regarding the specific batch is easily identifiable and traceable.

Date of durability

12. (1) No person shall import or manufacture or sell a foodstuff unless a date of durability is clearly indicated on the label or container of such foodstuff, except those foodstuffs indicated in point 1 of Annexure 4.
- (2) The date of durability shall be indicated by the manufacturer as either a "best before" or "use by" date, depending on the nature of the product as indicated in Annexure 4; Provided the "best before" may be abbreviated as "BB" but the "use by" shall be written out in full.
- (3) A "use by" date shall be mandatory for all foodstuffs listed under point 2 of Annexure 4.
- (4) The date of durability may not be removed or altered by any person.
- (5) In cases where several items are included in an outer wrapper or sleeve, which might be discarded, the date mark shall appear on the packaging that will be retained by the consumer until consumption.
- (6) The date of durability shall be indicated in the order, Day-Month-Year, when numbers only are used to indicate the date of durability and in the case where the month is indicated in letters, either written out in full or abbreviated, and the year is written out in full, the sequence of the day, month and year can be in any order.
- (7) The date shall be preceded by appropriate words, either "best before" or "use by" or similar words as defined in regulation 1.
- (8) A "sell-by" date may be added in addition to the "best before" and/or "use by" date.

13. No person may offer for sale, donate, re-label or re-use any foodstuff after the "use-by" date has expired.

Prohibited statements

14. The following information or declarations shall not be reflected on a label or advertisement of a foodstuff:

- (a) words, pictorial representations, marks or descriptions which create an impression that such a foodstuff is supported by, endorsed by, complies with or has been manufactured in accordance with recommendations by-
- (i) medical or dental practitioners, psychologists or other persons who carry on a supplementary health service referred to in the Health Professions Act, 1974 (Act 56 of 1974) or The Allied Health Professions Act, 1982 (Act 63 of 1982), individually or through any professional or consumer advisory organisation consisting of one or more health practitioners;
 - (ii) organisations, associations, foundations and other entities, unless approved by the Director-General and can provide proof of the fact that they are involved in generic health promotion which will improve the nutritional status of people and the directions of the organisation, association or foundation do not contradict the requirements of these regulations;
- (b) an individual's endorsement or testimonial in the form of a picture, written or verbal statement or in any other form, unless it is based on an evidence-based nutrition motivation and submitted for pre-market approval to the Director-General;
- (c) a manufacturer's or seller's endorsement in the form of a logo, mark, symbol, written or verbal statement or any other manner of communication with regard the nutritional, health or safety properties of the foodstuff brought to the attention of the public, unless it is valid according to the provisions of these regulations and appropriate substantiation can be provided to an inspector within 24 hours;
- (d) the words "health" or "healthy" or other words or symbols implying that the foodstuff in and of itself has health-giving properties in any manner including the name or trade name, except in the case of the fortification logo for food vehicles as determined by regulations made under the Act and regulation 53;
- (e) the words "wholesome" or "nutritious" or any other words with a similar meaning in any manner including the name and trade name;
- (f) a claim that a foodstuff provides complete or balanced nutrition in any manner including the name and trade name;
- (g) notwithstanding the provisions of regulation 58(e)(ii and iii), a claim that the foodstuff, is suitable for diabetics
- (h) a claim that a foodstuff contains or was manufactured with live AB cultures (bacterial strains from the genera *Lactobacillus* and *Bifidobacterium* or other typical yoghurt bacteria) or

similar words when it does not comply with the qualifying conditions for a probiotic as specified in regulations 63;

(i) a claim that a foodstuff provides “sustained energy” or words, similar unless the foodstuff qualifies as a low Glycaemic Index category foodstuff as specified in regulation 58 (a to c), and was tested according to the method described in the Guidelines and the Glycaemic Index category is indicated in the table with nutritional information;

(j) a claim that implies that a foodstuff with a low carbohydrate content may have any health or slimming benefits;

(k) subject to the provisions of the Medicines and Related Substances Act, 1965 (Act 101 of 1965), the word “cure” or any other medicinal claim, except those health claims permitted in terms of these regulations;

(l) a claim “Not made from concentrate” in the case of a fruit or vegetable juice or blend thereof unless the juice is freshly squeezed from the fresh fruit or vegetable and sold within 24 hours;

(m) a claim that implies that a foodstuff may have any detoxification or any similar benefits unless the claim has been evaluated and approved according to the requirements of Regulations 61.

Negative claims

(15) (1) No claim, declaration or implication shall be made on the label of a foodstuff that such foodstuff –

(a) alone possesses a particular characteristic, property or substance when in fact similar foodstuffs in the same class or category also possess the same characteristic, property or substance; unless –

(i) the characteristic, property or substance is often found or commonly present in the referred-to class or category of foodstuffs; and

(ii) the claim, declaration or implication is worded in a generic manner as follows: “(generic or category name of foodstuff but no brand name) naturally contains (name of characteristic, property or substance)”;

(b) is free from a particular characteristic, property or substance when in fact similar foodstuffs in the same class or category are also free from the same characteristic, property or substance; unless –

(i) the characteristic, property or substance is often or commonly absent in the referred-to class or category of foodstuffs;

(ii) the claim, declaration or implication is worded in a generic manner as follows:
i. “A naturally (name of characteristic, property or substance) free food”; or
ii. “(generic or category name of food but no brand name) is a naturally (name of characteristic, property or substance) free food” so as not to

reflect negatively on other similar foodstuffs in the same class or category.

(2) Notwithstanding the provisions of regulation 15(1),-

(a) where an additive, which is permitted for a particular class or category of foodstuffs under specific regulations under the Act, is absent in the foodstuff under specific regulations under the Act, is absent from the particular brand name foodstuff, the claim, declaration or implication, when used, shall be worded as follows: "(name of additive) free"; and

(b) where a claim, declaration or implication about a particular additive, which is not permitted for a particular class or category of foodstuffs under specific regulations under the Act, is made for information purposes, the claim, declaration or implication shall be worded in a generic manner as follows: "A (name of additive) free (name of category or class of food) as is the case with all (name of category or class of food)";

(3) No declaration referred to in regulations 15(1 to 2) shall be made in relation to foodstuffs listed in Annexure 6.

16. A label of a foodstuff shall not refer to the Act, the Department of Health or any Provincial or Local Government, or any official of the said Department or Provincial or Local Government.

Mandatory warning on certain foodstuffs

17. The label of a foodstuff packaged in a pressurised container shall contain the following statement in capital (uppercase) letters of not less than 3,0mm in height:

"WARNING - PRESSURISED - DO NOT PUNCTURE OR STORE ABOVE 50°C".

SPECIAL PROVISIONS

Seasonal ingredients

18. Where, owing to the climatic or seasonal contingencies, it is not possible to comply with a list of ingredients as indicated on the label, the names of ingredients other than the main ingredient that might be present 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

19. Ingredients of a blended, compounded or mixed foodstuff, including mixtures of herbs and spices sold as such, shall be listed on any label in descending order of mass at the time of manufacture under the heading "Ingredients".

20. Subject to regulation 31, added water shall be declared in the list of ingredients in the appropriate order.

21. Where an ingoing concentrated or dehydrated ingredient is reconstituted or partially reconstituted for use in the manufacturing of a foodstuff, the ingredient shall be preceded by the appropriate descriptive words such as "reconstituted (name of ingredient) concentrate" or "reconstituted, dried (name of ingredient)" or whatever is applicable, in the list of ingredients.

22. 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 -

- (a) 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
- (b) 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.

23. The following ingredients of a foodstuff, may be shown in any order at the end of the list of ingredients:

- (a) Herbs or spices not exceeding 2% by mass either singly or in combination
- (b) Vitamins; and
- (c) Minerals, subject to sub regulation 57(6).

Naming of ingredients

24. The name used for an ingredient in a foodstuff in a list of ingredients on any label shall -

- (a) be the name used for such ingredient when independently sold as a foodstuff; and
- (b) in the case of a microbiological culture, indicated according to its purpose, such as butter culture or cheese culture or yoghurt culture or lactic acid producing culture or starter culture, or whatever the case may be.

25. Subject to the provisions of regulations 40 to 45, any additive which is added to or used in a foodstuff to perform the function of one of the categories of ingredients listed in Annexure 1, shall be indicated in the list of ingredients and may be indicated by the name of the category and if an 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, provided that flavourants shall be indicated as natural or artificial flavourant.

26. Pectin-containing foodstuffs such as jelly and fruit jelly containing less than 0,6% added pectin or pectinaceous material and jams containing less than 0,3% of added pectin are exempted

from the requirement to declare the presence of thickeners in the list of ingredients provided no other thickeners than pectin were used in the product.

27. Names such as “salt” or “sodium chloride”, “vinegar” or “acetic acid”, “brine”, or “syrup” may be used in the list of ingredients.

Quantitative Ingredient Declarations (QUID)

28. (1) Where, in the case of a foodstuff, the labelling places special emphasis on the presence of one or more valuable or characterising ingredients, or where the description has the same effect, the ingoing percentage of this ingredient at the time of manufacture, shall be declared -

- (a) in accordance with the Guidelines;
- (b) next to the name, or in the name or claim in which the ingredient is mentioned, emphasised or implied, or in the list of ingredients.

(2) No ingredient shall be emphasised in any manner if the ingoing percentage of the emphasised ingredient is less than 2% by weight calculated from the recipe at the mixing bowl stage, except in the case of an ingredient or category of ingredients used in small quantities for the sole purpose of flavouring, such as quinine in tonic water, garlic and other herbs and spices when used at a level of 2% or less.

(3) Notwithstanding the provisions of regulations 28(1 and 2), where a foodstuff contains whole grains, fruit or vegetables, the ingoing percentage of the whole grains, fruit or vegetables at the time of manufacture, shall be declared on the main panel.

Compound ingredients

29. Where a compound ingredient is used in the preparation of a foodstuff, the names of the ingredients of the compound ingredient shall be listed in parenthesis after the name of the compound ingredient in the list of ingredients.

30. Where a compound ingredient for which a name has been established in a Codex Alimentarius Standard or in South African legislation, constitutes less than 5% of the foodstuff as sold, the ingredients need not be listed, excluding food additives which serve a technological function in the finished product and those common allergens which are known to cause allergic or intolerance reactions and which are specified in regulations 46 to 50, and which shall be listed regardless of the amount.

Added Water

31. Subject to regulations 21, 32 and 73(1)(c), water that is added as an ingredient of a foodstuff shall be declared in the list of ingredients of such foodstuff unless-

- (a) it is used in the manufacturing of the foodstuff solely for the purpose of wetting a dry additive or ingredient; or

- (b) it is part of brine or syrup and declared as “brine” or “syrup” in the list of ingredients; and
- (c) the water, which is added, does not exceed 5% of the finished product.

Labelling of manufactured, processed and fresh processed meat products and mechanically recovered meat

32. (1) Manufactured meat products shall -
- (a) specify all the protein sources in descending order of prevalence in the list of ingredients; Provided that the type of animal or bird, where applicable, forms part of the name of protein source;
 - (b) contain only protein sources with a PDCAAS (Protein Digestibility Corrected Amino Acid Score) value of at least 90;
 - (c) indicate the quantitative ingredient declaration (QUID) as a percentage for all protein sources in parenthesis after each protein source in the list of ingredients; and
 - (d) wherever mechanically recovered meat is used as an ingredient stated as mechanically recovered meat and the name of the species shall be stated in parenthesis, provided that mechanically recovered meat shall not be abbreviated as “MRM” but written out in full.
- (2) Subject to the requirements of Regulation 28(1) processed meat products shall, when having a total lean meat content of less than 100%, indicate the quantitative ingredient declaration (QUID) as a percentage for the meat and water absorbed or injected, whatever is applicable.
- (3) Subject to the requirements of Regulation 28(1) fresh processed meat products shall indicate the quantitative ingredient declaration (QUID) as a percentage for the meat, and the water that was absorbed and/or injected, whatever the case may be.

Fats and oils

33. (1) The class name or origin of all fats and oils, single or in combination, which have been used in a foodstuff shall be –
- (a) identified in the list of ingredients either as “vegetable”, “animal”, “fish” or “marine”; and
 - (b) qualified by the term “hydrogenated”, “partially hydrogenated”, “interesterified” or a combination of the aforementioned, as applicable.
- (2) (a) No health or nutrition claim shall be made for a foodstuff which contains a partially hydrogenated fat; and
- (b) Whenever a fully hydrogenated fat or partially hydrogenated fat has been used as an ingredient in a foodstuff, the real analytical values of all the following fatty acid components shall be declared in the table with nutritional information, as follows:

Total fat-	:	...g
of which		
saturated		...g
trans fat		...g
poly-unsaturated		...g
monounsaturated		...g

(3) Subject to the requirements of regulation 52(2) and Annexure 6, no vegetable oil or vegetable oil blend shall claim, "cold-pressed", "mechanically pressed" or any other words with a similar meaning unless it-

- (a) has been mechanically pressed without the application of any external heat;
- (b) has been certified organic by a competent national or international certifying organisation or contains no trace of any chemical /pesticide residues as the case may be;
- (c) still contains all the nutrients in amounts naturally present and typical of the original seed from which the oil has been produced from;
- (d) has not been subjected to external heat at any stage in the manufacturing process;
- (e) has not been chemically treated in or by any of the following processes: degumming, refining, bleaching or deodorizing; and
- (f) contains no trans fats and shall not be interesterified.

(4) No vegetable oil or vegetable oil blend that does not comply with the criteria referred to in Regulation 33(3) above shall make any health or nutrition claim.

Bulk stock

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

Small packages

35. The packaging of a pre-packed foodstuff that has a total exterior area of 2000mm² or less, including single once-off use 10g or less size packages of herbs and spices, are exempted from the requirements of labelling, except for the declaration of the name of the foodstuff, the address of the manufacturer, an appropriate date of marking, the declaration of an allergen, if applicable and the declaration according to Regulation 69 that the product has undergone irradiation if applicable.

Food additives

36. The label of any pre-packed food additive or blend of food additives shall -

- (a) bear the words "for use in foodstuff" 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 the common chemical name or names as well as the Colour Index Number(s) or INS (International Numbering System) number;
- (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; and
- (f) when available, indicate the INS number.

Frozen and chilled foodstuffs

37. The words -

- (a) "RAW - KEEP FROZEN" or "UNCOOKED - KEEP FROZEN", as the case may be, shall appear in capital (upper-case) letters not less than 3,0mm in height on the main panel of the label of every package containing uncooked foodstuffs that must be kept frozen;
- (b) "COOKED - KEEP FROZEN" or "PARTLY COOKED - KEEP FROZEN - DO NOT REFREEZE WHEN THAWED", as the case may be, shall appear in capital (upper-case) letters not less than 3,0mm in height on the main panel of the label of every package containing cooked or partly cooked foodstuffs that must be kept frozen;
- (c) "KEEP REFRIGERATED" or "KEEP FROZEN", shall appear on the main panel of the label in capital (upper-case) letters not less than 3,0mm in height in respect of foodstuffs that rely on chilling or freezing conditions for preservation;
- (d) "PREVIOUSLY FROZEN - DO NOT REFREEZE", in the case of cooked or partly cooked frozen foodstuffs which have been thawed for subsequent sale, must appear legibly in capital (upper-case) letters not less than 3,0mm in height in the immediate proximity to such products and in clear view of the customer; and
- (e) "FRESH" in respect of frozen foodstuffs that are thawed for subsequent sale shall not be permitted.

Food vending machines

38. 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 legible to a prospective purchaser from the outside of the machine.

Pictorial representation

39. The pictorial representation on the label or any advertisement of a foodstuff -

- (a) may not be presented in a manner that is false, misleading or deceptive or is likely to create an erroneous impression regarding the contents of the container or its character, origin, composition, quality, nutritive value, other properties in any respect; and
- (b) not contained in any package, which might lead the consumer to believe that such foodstuff is contained in such package, shall bear the words "Serving suggestion" or words indicating the justification for the use of such pictorial representation on, or in the immediate proximity to, such pictorial representation, in bold, conspicuously placed, capital letters not less than 3,0mm in height, except in the case of sugar confectionary, chocolate confectionary and table jellies.

Indication of food additives and special ingredients

40. No person shall sell any foodstuff containing the colourant tartrazine, also known as E 102 or Yellow No. 5, unless the word "tartrazine" appears in the list of ingredients.

41. 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 cured meat products, followed or preceded by the words "curing agent".

42. Anti-oxidants shall be indicated by the common chemical name or abbreviation as appropriate, in the list of ingredients: Provided that where a list of ingredients is required this information shall be included in such list of ingredients.

43. The final amount, single or in combination of preservatives and/or anti-oxidants mentioned in column 1 below, when present in an amount of less than the amount mentioned in column II in the final foodstuff need not be mentioned in the list of ingredients.

I	II
Sulphur dioxide or related compounds such as sodium sulphite, sodium hydrogen sulphite (sodium bisulphite), sodium metabisulphite, potassium metabisulphite, calcium sulphite, calcium hydrogen sulphite and calcium bisulphite	10mg per kilogram per foodstuff as packed or ready to eat

44. All preservatives as well as tartrazine and the following glutamates when added to a foodstuff, shall be indicated on the label by the common chemical name in the list of ingredients:

- monosodium glutamate (MSG);
- L-glutamic acid;
- sodium hydrogen L-glutamate;

- potassium hydrogen L-glutamate;
- mono potassium glutamate;
- calcium dihydrogen di-L-glutamate;
- calcium glutamate;
- monoammonium glutamate; and
- magnesium diglutamate.

45. (1) With the exception of preservatives, anti-oxidants and tartrazine, it shall not be necessary to refer in the list of ingredients to any food additive-

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

(b) that, if the foodstuff were labelled with a list of ingredients, would not be required to be named in the list by reason of these regulations.

(2) Notwithstanding the requirements of subregulation (1), any additive which is added to a carrier which may be a common allergen itself or may be contaminated with a common allergen, shall indicate the origin of the carrier in parenthesis after the name of the additive in the manner [name of additive(name of acommon allergen)]

Allergens

46. (a) Where an ingredient derived from egg, milk, crustaceans and molluscs, fish, peanuts, soybeans, tree nuts or wheat or the products of these, is added to a foodstuff or nutritional supplement, the word “egg”, “milk”, “crustaceans”, “molluscs”, “fish”, “peanuts”, “soybeans” or “tree nuts” or “wheat” as the case may be, shall be indicated in parenthesis after the name of such ingredient in the list of ingredients, if it is not self evident from the name of the ingredient; and

(b) Where a natural flavourant is added to a foodstuff or nutritional supplement, the common name of the origin of the flavourant shall be indicated in parenthesis after the name natural flavourant, e.g. “natural flavourant (banana)”.

47. Where an ingredient which is derived from cereals of all *Triticum* species such as kamut and spelt, wheat, durum wheat, rye, barley, oats, or their crossbred varieties or the products thereof, is added to a foodstuff -

(a) the name of the specific cereal species shall be specified in the name of the ingredient in the list of ingredients with the word “gluten” in parenthesis after the name of the cereal; and

(b) the claim “gluten-free” shall not be permitted unless the end-product contains no prolamins from the cereals mentioned above or the products thereof, the gluten level does not

exceed 20 mg per kilogram foodstuff as analysed according to Codex and it is not possible to detect the presence of gluten with the Enzyme-Linked Immunosorbent Assay R5 Mendez (ELISA) test for gluten where 1 mg/kg gliadins corresponds to 2 mg/kg gluten.

48. (a) Common allergens which are hidden in the name of an ingredient and of which some examples are indicated in the Guidelines, shall be indicated in parenthesis after the name of such ingredient in the list of ingredients, or alternatively, the word “egg”, “milk”, “crustaceans”, “molluscs”, “fish”, “peanuts”, “soybeans”, “tree nuts”, “wheat”, “gluten” *etc.*, should form part of the name of the ingredient, e.g., “egg albumin”; and

(b) The presence of rare allergens in or on the foodstuff or its packaging material has to be disclosed by manufacturers upon request by a consumer, inspector or the Department.

49. No foodstuff may be contaminated with a common allergen as a result of the manufacturing of different foodstuffs on the same production line or any other manufacturing circumstances, including packaging material, without informing the consumer in an appropriate manner as follows:

(a) In the case where the manufacturer can demonstrate that the contamination is unavoidable despite having on record documentation to prove that -

(i) a comprehensive Hazard Analysis Critical Control Point (HACCP)–based evaluation of the manufacturing process and ingredient supply as referred to in the Guidelines has been carried out and the manufacturer operates a system of Good Manufacturing Process based on the HACCP assessment according to the Guidelines; and

(ii) suitable testing for the specific allergens is carried out on a regular basis,

the following words shall appear in the list of ingredients or in the direct vicinity thereof, in bold, legible letters “**Not suitable for people with (name of allergen) allergy**”; or

(b) in a case where a manufacturer cannot demonstrate due diligence through HACCP and ELISA testing described in paragraphs (i) and (ii) above, the words “**unavoidably contaminated with...(name of allergen)**”, shall be indicated in bold, legible letters in the same font as the rest of the letter size used for the list of ingredients, at the end or under the list of ingredients.

50. (a) No claim shall be made that a foodstuff, neither a single ingredient foodstuff nor a compound foodstuff, is “hypoallergenic ” or “non-allergenic” or similar wording, unless the foodstuff is modified by chemical or genetic means so as to reduce the quantity of endogenous allergens in such a way that it is not possible to detect the presence of any possible allergen with testing suitable for the specific allergen;

(b) No claim shall be made that a foodstuff is free from any allergen or similar wording, unless the foodstuff has been tested for the presence of the allergen, using suitable testing for the specific allergen;

(c) The claim “inherently (name of allergen-)free” may be made for those cereals sold as single ingredient foodstuffs, that naturally do not contain gluten; provided it has been proven both through traceability and ELISA testing on every batch, that the cereal is not contaminated with any cereal referred to in regulation 47; and

(d) The information related to the requirements of subregulations (a), (b) and (c) and regulations 47 and 49 shall be kept on record by the manufacturer, importer or distributor and any manufacturer, importer or distributor who fails to produce the relevant documentation within 24 hours of request by an inspector shall be guilty of an offence.

Misleading descriptions

51. (1) The word “natural” or “nature’s” or any other word suggesting that a processed foodstuff or its ingredients occur naturally, shall not be used on the label of a foodstuff in the following instances:

(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, or if any ingredient present in the natural form thereof has been removed therefrom;

(c) To describe the ingredients of a mixed, compounded or blended foodstuff, unless all the ingredients occurred naturally or have not been processed, except-

(i) honey as described in the Codex and the Agricultural Products Standards Act, 1990 (Act 119 of 1990), including extracted, pressed or drained honey, honey in liquid or crystalline state or a mixture of the two, comb honey and honey with comb; and

(ii) beer which has been produced by a process where the only ingredients are malted barley and water, and where any yeast added is removed in its entirety prior to the product being finished so that the completed product is organoleptically, physically and chemically the same as its natural, original composition, except for the presence of alcohol and provided it has no enzymes, sweetener or other additives added to it.

(2) The words “pure” or “100% pure” may only be used -

(a) to demonstrate microbiological and chemical safety, provided the manufacturer can prove it with appropriate documentation;

(b) to refer to a single-ingredient food to which no additives or nutrients, that are not present naturally, have been added, provided -

(i) in cases where extra processing was used, the process is described (pure refined honey or purified water);

(ii) no claim is made for nutrients that are replaced to the same levels that were naturally present before processing took place; and

- (c) subject to paragraphs 2(a) and (b) above, to describe a single ingredient of a compound food.

HEALTH AND NUTRITION CLAIMS

General information

52. (1) Unless otherwise provided in these regulations, no label of any foodstuff shall contain any claim regarding the nutritive value of such foodstuff unless –

- (a) the label also contains the following information in the following order:
 - (i) The heading "Typical nutritional information";
 - (ii) an indication of the mass or volume of a single serving;
 - (iii) the prescribed format for the nutritional information declaration as described in point 1 of Annexure 2, expressed per single serving as well as per 100g for solid foodstuffs or 100ml for liquid foodstuffs;
 - (iv) the amounts of the nutrient(s) that is(are) the subject of the nutrition claim present in a single serving as well as per 100g for solid foodstuffs or 100ml for liquid foodstuffs; and
 - (v) an indication of what percentage of the MDR for individuals 4 years and older as specified in Annexure 3 is represented in a single serving by the micronutrients in respect of which the claim is made, as well as protein: Provided that no claim shall be made for a micronutrient or protein present in an amount less than 15% of the MDR for individuals 4 years and older as specified in Annexure 3 per single serving;
- (b) the serving size of a single serving, as indicated in Annexure 7, is not exceeded.
- (c) subject to the requirements of regulations 64 and 65, the nutritional information always refer to the ready-to-eat product or the product as packed, whatever is appropriate, and a statement to that effect shall be indicated directly beneath the Table with nutritional information; Provided that where in the case of end products that are ready to eat or to drink, the serving size of the end product is less or more than 100 g/ml, the criteria as per 100g/ml shall be proportionally calculated for the appropriate serving size as indicated on the label; and
- (d) for the purposes of nutrition labelling of foodstuffs, the standard Minimum Daily Requirement of individuals 4 years and older as indicated in Annexure 3 apply.

(2) A foodstuff not regarded essential as part of a healthy diet and healthy lifestyle as listed in Annexure 6, –

- (a) shall not be enriched with any nutrient(s) for the purpose of making a nutrition or health claim on the label of such foodstuff: Provided that if any nutrient(s) is(are) added, the fact of the addition of the nutrient shall only be reflected in the list of ingredients and in the nutritional information table;
- (b) subject to regulation 59, shall not make any comparative, nutrient content, Glycaemic Index (GI), diabetic, health or any other claim with a health or nutritional

message whatsoever in the advertising or on the label of such foodstuff irrespective of whether a nutrient(s) was(were) added or not;

(c) subject to regulation 68, shall not make a slimming claim or claim with a similar meaning;

(d) shall provide the nutritional information according to the format stipulated in point 1 of Annexure 2, provided that where, in the case of a foodstuff listed in Annexure 6-

(i) none of the ingoing ingredients contain any fat or trace thereof; the total fat, saturated fat and trans fat values need not be analysed but shall merely be indicated as "0" wherever it is appropriate in the table with nutritional information; and

(ii) sugar is the only ingoing ingredient that contains any carbohydrates, the sugar need not be analysed but may be calculated per 100 g/ml and per serving from the ingoing amount in the recipe;

(e) shall not advertise in any manner, including the label of a foodstuff, to a child younger than 16 years or use a child actor younger than 16 years or use any cartoon-type character or puppet, computer animation or similar strategy or token or gift, in order to encourage the use of such foodstuff;

(f) shall bear the following statement on the main panel of the label in bold letters **"Use in moderation only since excessive consumption on a regular basis may lead to an unhealthy increase in weight/ obesity"** or **"Regular consumption not recommended for a healthy diet"**; and

(g) shall not advertise or promote in any manner any foodstuff listed in Annexure 6 in any school tuck shop or on any school or pre-school premises.

(3) The phrase "ONLY EFFECTIVE AS PART OF A HEALTHY DIET AND LIFESTYLE" shall be indicated on the main panel of any foodstuff that makes a health or nutrition claim in bold, capital letters not less than 3,0 mm in height;

(4) No health, nutrition, energy, Glyceamic Index , Glycaemic Load, comparative or any other claim with a health or nutrition related message shall be permitted for bottled water.

53. The label of the food vehicle, in respect of which a claim is made that a food vehicle is fortified as required by regulations relating to the fortification of foodstuffs under the Act, shall bear the format for the prescribed nutritional information declaration as described in point 1 of Annexure 2, expressed per daily serving and per 100g, as well as nutritional information relevant to the fortification specifications: Provided that in the case of dry, uncooked wheat flour and dry, uncooked maize meal as purchased, the daily serving shall be regarded as 100g.

54. 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, provided that it is clearly indicated that such claim does not refer to the foodstuff in the package and all nutritional information shall be given in respect of the foodstuff actually in the package.

55. When a health, nutrition or Glycaemic Index claim is made in the advertising of a foodstuff, the foodstuff when sold pre-packed, shall also be labelled with the said statement.

56. In the case where nutritional information is provided, the label of a foodstuff packed in a liquid medium shall indicate whether the nutritional information applies to the drained weight or to the net contents of the container and for the purposes of this regulation, "liquid medium" means water, or aqueous solutions of sugar or salt, fruit juice or vegetable juice in canned fruits and vegetables only, or spirit such as brandy in the case of typical traditional South African dishes or vinegar or oil, either singly or in combination.

Nutrient content claims for foodstuffs

57. (1) No claim that describes the level of a nutrient contained in a foodstuff shall be made on a label or in an advertisement of a foodstuff, unless it complies with conditions set out in Table 1 below (PARTS A and B).

(2) When a nutrient content claim that is listed in Table 1 is made, the conditions specified in Table 1 for that claim shall apply.

(3) No nutrient content claim shall be worded in any way different from the prescribed wording as specified in Table 1, namely "low", "free or virtually free", "source" or "high".

(4) No person shall use words such as "rich in" or "excellent source" or "good source" or "enriched" or "enriched with (name of nutrient)" or "with added (name of nutrient(s))" or "contains (name of nutrient(s))" or any similar wording in relation to the nutrients mentioned in Table 1 as a substitute for the prescribed wording options for claims in Table 1.

(5) No person shall use words such as x% fat free or any other nutrient referred to in component A of Table 1 free, where x referred to any percentage or to any similar wording as a substitute for the prescribed wording options in Table 1.

(6) In the case where a mineral is added to a foodstuff, the name of the compound from which the elemental mineral was derived shall be listed in the list of ingredients and name of the elemental mineral only shall be mentioned in the appropriate table with nutritional information.

(7) Vitamins and minerals which are present naturally or added, in amounts of less than 5% of the MDR for individuals of 4 years and older as referred to in Annexure 3 per single serving, shall not be declared in the nutritional information table, except in the case of food vehicles and bottled mineral water.

(8) Where two or more conditions for a nutrient content claim are required in Table 1 (A and B) the foodstuff shall meet all the conditions in order to qualify for the claim.

(9) For the purposes of the conditions for nutrient content claims, foods such as soups (excluding, consommés and bouillons), reconstituted canned soups and reconstituted soup powders, custard, sauces (excluding marinades), chutney and yoghurt shall be considered solids.

(10) Where a nutrient content claim is made for dietary fiber ("source of" or "high in"), both the analytical values for the fiber content that has effects on glucose and lipid absorption (soluble fiber) and fiber content that has more pronounced effects on bowel habits contents (insoluble fiber) shall be indicated as follows in the table with nutritional information:

Total dietary fiber -	...	g
of which soluble fiber	...	g
of which insoluble fiber	...	g

(11) No claim shall be made on the label of a foodstuff regarding the protein content of that foodstuff, unless the following requirements are complied with:

- (a) The conditions, as applicable, specified in Table 1, Part B;
- (b) the foodstuff provides protein with a protein digestibility corrected amino acid score (PDCAAS) of not less than 90 in accordance with the prescribed method for the determination of the PDCAAS score listed in the Guidelines; and
- (c) the source(s) of protein is(are) clearly indicated in the list of ingredients.

(12) In addition to the conditions of Table 1(A and B), where a nutrient content claim is made-

(a) regarding the amount of total fat or the amount and/or type of any fatty acid component or cholesterol, the real analytical values of all the following fatty acid components and cholesterol shall be indicated in the table with nutritional information, immediately after the declaration of total fat -

Total fat -	:	...	g
of which saturated		...	g
trans		...	g
polyunsaturated		...	g

monounsaturated ...g
 Cholesterol ...mg

(b) for omega-3 fatty acids, the real analytical values of all the following fatty acid components shall be indicated in the table with nutritional information, immediately after the declaration of total fat -

Total fat ...g
 of which saturated ...g
 trans ...g
 polyunsaturated ...g
 of which omega-3 polyunsaturated ...mg
 monounsaturated ...g
 Cholesterol ...mg

(13) Notwithstanding the provisions of regulations 12(a), in cases where a foodstuff contains naturally occurring trans fats from animal origin but no trans fats derived from partially hydrogenated fat, the trans fats need not be declared in the table with nutritional information as indicated.

(14) The claim "no sugar added" or "no added sugar" or other words with a similar meaning shall not be made on the label of a foodstuff that contains added sugars defined by these regulations.

(15) In the case of minced meat, processed meat products and manufactured meat products the conditions for the following claims as an indication of fat content are as follows:

Lean, trim or any similar wording	≤ 10%
Extra lean, extra trim or any similar wording	≤ 5%

(16) Subject to the requirement of regulation 52(1)(c), the following conditions for nutrient content claims shall be applicable:

TABLE 1: CONDITIONS FOR NUTRIENT CONTENT CLAIMS

COMPONENT A	CLAIM	CONDITIONS NOT MORE THAN
Energy	Low	170kJ per 100g (solids*) 80kJ per 100ml (liquids*)
Total fat	Low Virtually free or free from	3 g per 100g (solids*) 1.5g per 100 ml (liquids*) 0.5g per 100g/ml
Saturated fat	Low Virtually free or free	1,5g per 100g (solids*) 0,75g per 100ml (liquids*) and 0,1g trans fatty acids per 100g/ml and 10% **of combined energy value for saturated fat and trans fatty acids 0,1g per 100g (solids*) 0,1g per 100ml (liquids*)
Trans fatty acids	Virtually free or free	0,1g per 100g (solids*) 0,1g per 100ml (liquids*)
Cholesterol	Low Virtually free or free	20mg per 100g (solids*) 10mg per 100ml (liquids*) 5mg per 100g (solids*) 5mg per 100ml (liquids*) and for both claims, low and free of, less than: 2,0g saturated fat and trans fatty acids combined per 100g (solids) or 0,75g saturated fat per 100 ml (liquids) and 10% ** of energy of saturated fat
Sugars	Virtually free or free	0,5g per 100g/ml
Sodium	Low Very low Virtually free or free	120mg Na per 100g (305mg NaCl) 40mg Na per 100g (102mg NaCl) 5mg Na per 100g (13mg NaCl)
Alcohol	Non-alcoholic Virtually free or free	0.5% by volume 0.05% by volume

* refers to end product

** percentage expressed per total energy of end product

TABLE 1: CONDITIONS FOR NUTRIENT CONTENT CLAIMS (continued)

COMPONENT B	CLAIM	CONDITIONS NOT LESS THAN
Energy	Source of High in	80kJ per 100ml 950kJ per 100g or 250kJ per 100ml
Carbohydrate	High in	13g per 100g or 6,5g per 100ml
Total Fiber	Source of High in	3 g per 100g (solids) 1.5 g per 100 ml (liquids) 6g per 100g (solids) 3 g per 100 ml (liquids)
Fiber that has effects on glucose and lipid absorption (Soluble Fiber)	Source of High in	1,5g-per single serving 3g per single serving
Protein	Source of High in	5g per 100g (solids*) 2,5g per 100ml (liquids*) and 2,5g per 418kJ 10g per 100g (solids*) 5g per 100ml (liquids*) and 5g per 418kJ
Polyunsaturated fatty acids (PUFA's)	Source of High in	$\geq 40\%$ ****PUFA's and $\leq 20\%$ **** saturated fatty acids and $\leq 5\%$ **** trans fatty acids $\geq 60\%$ ****PUFA's and $\leq 20\%$ **** saturated fatty acids and $\leq 5\%$ **** trans fatty acids
Monounsaturated fatty acids (MUFA's)	Source of High in	$\geq 35\%$ **** MUFA's and $\leq 20\%$ **** saturated fatty acids and $\leq 5\%$ **** trans fatty acids $\geq 60\%$ **** MUFA's and $\leq 20\%$ **** saturated fatty acids and $\leq 5\%$ **** trans fatty acids

* refers to end product

**** of total energy from fat

TABLE 1: CONDITIONS FOR NUTRIENT CONTENT CLAIMS (continued)

COMPONENT B	CLAIM	CONDITIONS NOT LESS THAN
Omega-3 fatty acids	Source of High in	225mg per single serving 450mg per single serving
Vitamins and minerals excluding potassium# and sodium	Source of High in	15% of MDR** per serving 30% of MDR** per serving
Carotenoids:		
Betacarotene	Source of High in	500mcg per 100g 1000mcg per 100g
Lycopene	Source of High in	2mg per 100g** 4mg per 100g***
Lutein	Source of High in	0.5mg per 100g 1mg per 100g
Zeaxanthin	Source of High in	0.1mg per 100g 0.5mg per 100g

* refers to end product

** MDR for individuals older than 4 years

*** Wet weight

The claims ("source of" and "high in"), shall only be permitted for potassium *naturally* present in foodstuffs.

Glycaemic Index (GI) Category claims

58. The glycaemic index category claim shall, if used, be the category as determined in accordance with the method described in Part A of the Guidelines and shall not include any method whereby a glycaemic index value is calculated to determine its category and -

- (a) shall only be used for foodstuffs which are ready-to-eat or for foodstuffs as packed but which are labelled in accordance with the requirements stipulated in Part B of the Guidelines-
 - (i) with a glycaemic (available) carbohydrate content of 40% or more of the total energy value of the foodstuff;
 - (ii) of which the total fat content does not exceed 30% of the total energy value of the foodstuff; and
 - (iii) of which the total protein content does not exceed 42% of the total energy value of the foodstuff;
- (b) shall not be indicated by a specific numerical value;