

GOVERNMENT NOTICE

DEPARTMENT OF HEALTH

No. R. 146

1 March 2010

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

REGULATIONS RELATING TO THE LABELLING AND ADVERTISING OF FOODSTUFFS

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

TABLE OF CONTENTS

Regulation number	Title of heading
	Table of contents
1	Definitions
2 – 15	General Provisions
16 – 49	Special Provisions
50	Nutritional information
50 - 53	Claims
54	Exemptions
55	Repeal
56	Commencement
	Reference index
Annexure number	Title of Annexure
Annexure 1	Categories of additives that may be identified by their category name in a list of ingredients
Annexure 2	Prescribed nutritional information declaration format and conversion factors
Annexure 3	Nutrient Reference Values for the purpose of food labelling
Annexure 4	List of foodstuffs exempted from a date of durability
Annexure 5	Evaluation of protein quality for the purpose of when a protein claim is made
Annexure 6	The manner of expression of energy, nutrient or other substances values found in foodstuffs in the table with nutritional information

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 a physical 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;

“added sugar” means any sugar added to foodstuffs during processing and includes but is not limited to sugar as defined by Regulations Relating to the Use of Sweeteners in Foodstuffs under the Act, honey, molasses, sucrose with added molasses, coloured sugar, fruit juice concentrate, de flavoured and/or deionised fruit juice and concentrates thereof, high-fructose corn syrup and malt or any other syrup of various origins;

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

“allergen cross-contamination” means the presence of any common allergen not intentionally added to a foodstuff, which is present in such foodstuff as a result of the cultivation, production, manufacturing, processing, preparation, treatment, packing, packaging, transport or holding of such foodstuff or as a result of environmental contamination;

“allergen control program” means a program for the identification and control of allergenic ingredients and for the prevention of allergen cross-contamination at every stage of the manufacturing process, from harvesting through to packaging and retailing;

“annexure” means an annexure to these regulations;

“antioxidant” means either an additive that prolongs the shelf life of foods by protecting against rancidity or colour changes or other deterioration caused by oxidation or means a substance that inhibits oxidation or inhibits reactions promoted by oxygen or peroxides;

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

“batch” means a definite quantity of a commodity produced essentially under the same conditions, not exceeding 24 hours;

“**brine**” means a solution of sodium chloride in water where the solution is used for curing, flavouring and/or preserving the foodstuff;

“**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;

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

“**cereal**” means a product derived from the grain or edible seed of any cultivated grasses of the family *Poaceae*, which may be used as a food, e.g. wheat, rice, oats, barley, rye, maize, millet et cetera;

“**certification**” means the procedure by which ISO 65 accredited, certifying organisations provide written assurance that a product, process or service is in conformity with certain standards;

“**certifying organisation**” means an organisation performing conformity assessment against specified requirements through an audit process resulting in a certificate being issued;

“**chilled**” or “**refrigerated**” means stored at an appropriate temperature ranging from 0°C to 7°C for a specific product type, but specifically means a maximum core temperature of 4°C for raw unpreserved fish, molluscs, crustaceans, edible offal, poultry meat and milk, and for any other perishable food that must be kept chilled to prevent spoilage, a maximum temperature of maximum 7°C;

“**chocolate confectionery**” means any foodstuff that is meant to be consumed as a sweet snack and which contains chocolate as described in *Codex* and/or other ingredients;

“**claim**” in relation to a foodstuff, means any written, pictorial, visual, descriptive 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;

“**Codex**” means the latest adopted version of the relevant text of 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 allergen” means egg, cow's milk, crustaceans and molluscs, fish, peanuts, soybeans, tree nuts and any significant cereals, as well as ingredients derived from these foodstuffs that has retained its allergenicity in the final product;

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

“compound ingredient” means any ingredient, which itself is 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 or for free sample handout purposes, whether by completely or partially enclosing the foodstuff and includes wrappers for individual and multiple-unit-packs;

“contaminant” means any biological or chemical agent, foreign matter or other substance not intentionally added to the food which may compromise food safety or suitability so that it does not meet a standard or requirement determined by any law;

“cold-pressed” in terms of edible vegetable fat and oil manufacturing, means the oil has been obtained by applying mechanical procedures, such as expelling or mechanical pressure, in the absence of light, without the application of external heat where the temperature of the process never exceeds 50°C (122°F) and where purification may have been accomplished by washing with water, settling, filtering and centrifuging only;

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

“dairy product” means a primary dairy product, a composite dairy product or a modified dairy product as defined by the regulations published in terms of the Agricultural Product Standards Act, 1990 (Act No. 119 of 1990) as amended;

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

“date of minimum durability” (“Best Before” or “Best Before End”) means the date which signifies the end of the period under any stated storage conditions during which the product will remain fully marketable and will retain any specific qualities for which tacit or express claims have been made. However, beyond the date the food may still be perfectly satisfactory;

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

“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;

“dietary fibre” or “fibre” means edible carbohydrate polymers with ten or more monomeric units, which are not hydrolysed by the endogenous enzymes in the small intestine of humans and which occur naturally, or which have been obtained by physical, enzymatic, or chemical means, in fruits, vegetables and cereals consumed ordinarily as food and measured as non-starch polysaccharides (NSP), but exclude novel fibres;

“drained weight” means the net mass of the remaining solid component after the liquid medium has been drained;

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

“enrichment” means the voluntary addition by a manufacturer of one or more nutrient(s) to a foodstuff, whether or not it is normally contained in the food, with the sole purpose of adding nutritional value to the food, but excludes “fortification”;

“evidence-based nutrition” means the application of the best available systematically assembled scientific 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;

“flavouring” means a flavouring substance intended to be added in small amounts to foods and of which the primary purpose is to impart, modify or improve the flavour of foodstuffs rather than to enhance nutritional quality, is not intended to be consumed on its own and exclude substances that have an exclusively sweet, sour or salty taste (e.g., sweeteners, table salt, vinegar). Flavourings may consist of flavouring substances, flavouring preparations, process flavourings, smoke flavourings or mixtures thereof;

“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, samosas, sausage rolls, meat pies, dry biscuits and speciality breads;

"food additive" means any substance, regardless of its nutritive value, that is not normally consumed as a foodstuff by itself and not normally used as a typical ingredient of the foodstuff, which is added intentionally to a foodstuff for a technological (including organoleptic) purposes in the manufacture, processing, preparation, treatment, packing, packaging, transport or storage of the foodstuff, and results, or may reasonably be expected to result (directly or indirectly) in such a substance, or its by-products, becoming a component of, or otherwise affecting the characteristics of, such foodstuffs and excludes any substance added to foodstuffs for maintaining or improving nutritional qualities or any contaminants and sodium chloride;

"food constituent" means any biologically active substance other than a nutrient, which is naturally present in certain foodstuffs;

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

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

"frozen" means stored at any appropriate temperature equal to or colder than 0°C which will maintain and preserve the inherent quality of a specific product in a hard, frozen condition or state and includes frozen foodstuffs for which special temperature requirements were stipulated for in regulations under the Agricultural Product Standards Act 1990, Act No. 119 of 1990, the National Regulator for Compulsory Specifications Act, 2008 (Act No. 5 of 2008) and any other Regulations promulgated under the Act;

"generic health promotion" means the promotion of a healthy diet and lifestyle (which includes food choices, exercise, serving sizes, food preparation methods, et cetera) by an organization or foundation, who focuses their work on educating the consumer on these aspects without promoting the consumption or sale of any particular foodstuff, brand name, trademark or company in any manner and where record shall be kept of all generic health promotional materials in the case where the appropriate substantiation might be requested by an inspector;

"gluten" means the proteins that naturally occur in a significant cereal to which some persons are intolerant;

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

“Good Manufacturing Practice” (GMP) means that combination of manufacturing, quality control and hygiene 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 practitioner” means any health professional referred to in the Health Professions Act, 1974 (Act No. 56 of 1974), the Allied Health Professions Act, 1982 (Act No. 63 of 1982), the Pharmacy Act, 1974 (Act No. 53 of 1974), the Nursing Act, 2005 (Act No. 33 of 2005) or the Dental Technician Act, 1979 (Act No. 19 of 1979);

“honey” is the natural sweet substance produced by honey bees from the nectar of plants or from secretions of living parts of plants or excretions of plant sucking insects on the living parts of plants, which the bees collect, transform by combining with specific substances of their own, deposit, dehydrate, store and leave in the honey comb to ripen and mature;

“ILAC” means the International Laboratory Accreditation Cooperation;

“intrinsic sugar” means sugars that are naturally occurring and which form an integral part of certain unprocessed foodstuffs, the most important being whole fruits and vegetables, that are enclosed in the cell, (mainly fructose, glucose and sucrose) and which are always accompanied by other nutrients;

“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 or on the final product, although possibly in a modified form;

“import” means as defined in the Act;

“irradiation” means deliberate exposure to ionising radiation;

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

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

“**main ingredient**” means the ingredient(s) in a foodstuff which by weight or volume, whatever is applicable, contributes the highest percentage mass, excluding water;

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

“**manufacture**” means as defined by the Act;

“**mechanically pressed**” in terms of edible vegetable fat and oil manufacturing has the same meaning as cold pressed;

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

“**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 with regard to the true nature, physical condition, type of packing medium, style, condition and type of treatment it has undergone;

“**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;

“**novel fibres**” means edible carbohydrates, of which a physiological effect of benefit to health was demonstrated by generally accepted scientific evidence to competent authorities and approved and registered by the South African Health Products Regulatory Authority (SAHPRA) -

- with ten or more monomeric units, which -
 - are not hydrolysed by the endogenous enzymes in the small intestine of humans;
 - have been produced synthetically; or
 - are obtained from natural sources that are not ordinarily consumed as fruits, vegetables or cereals in the diet; or
- any oligomers (oligofructose/fructooligosaccharides), polymers (inulin) or mixtures thereof -
 - in which the degree of polymerization (DP) varies from two to sixty monomeric units;
 - for which a prebiotic claim could be made; and
 - of which the prebiotic activity is demonstrated by scientific proof of the following criteria:
 - resistance to gastric acidity, hydrolysis by mammalian enzymes and gastrointestinal absorption;

- fermentation by intestinal microflora;
- stimulation of the growth of the whole indigenous population of *bifidobacteria*;
and
- the selective stimulation of growth and/or activity of other indigenous gastrointestinal microflora that contribute to health and well-being.

“**NRV**” means Nutrient Reference Value for the general population of 4 years and older for the purpose of food labelling;

“**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 and health 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 or energy contained in a foodstuff;

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

“**omega-3 fatty acids**” means one or more of the following;

- alpha-linolenic acid (ALA);
- omega-3 derivative docosahexaenoic acid (DHA 22:6 ω 3);
- omega-3 derivative eicosapentaenoic acid (EPA 20:5 ω 3); and
- omega-3 derivative docosapentaenoic acid (DPA ω 3, 22:5 ω 3);

“**peanuts**” means the kernels of the underground fruit of the plant *Arachis hypogaea* of the species/legume family *Fabaceae*;

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

“**prepackaged**” 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;

“processed” means a foodstuff that has been subjected to any of the following processes which alter its original state –

- (i) the addition of any processing aids or additives;
- (ii) the addition of nutrients
- (iii) the addition of microbiological organisms;
- (iv) the freezing or freeze-drying of a foodstuff;
- (v) the creation of a low water activity/removal of moisture;
- (vi) the irradiation of any of the foodstuff's components;
- (vii) any form of heat treatment;
- (viii) deflabouring;
- (ix) deionising;
- (x) refining;
- (xi) fermentation;
- (xii) maturing, electrical stimulation and tenderising

but excludes –

- (i) harvesting;
- (ii) slaughtering;
- (iii) cleaning;
- (iv) decapitating;
- (v) defeathering;
- (vi) dehairing;
- (vii) eviscerating;
- (viii) portioning;
- (ix) sectioning;
- (x) mincing;
- (xi) deboning;
- (xii) washing;
- (xiii) chilling;
- (xiv) removal of fish scales,
- (xv) removal of blemishes and foliage of fruit and vegetables;
- (xvi) removal of inedible skins and seeds of fruits and vegetables;
- (xvii) removal of the skins of animals; or
- (xviii) the mixing, compounding or blending of ingredients that occur in nature and have not been processed;

“processed meat” means products as defined by the standard SANS 885 under the Standards Act, 1993 (Act No. 29 of 1993);

“protein” means –

- (i) organic compounds consisting of amino acids, arranged in a linear chain and joined together by peptide bonds between the carboxyl and amino groups of adjacent amino acid residues;
- (ii) any of a group of complex organic macromolecules that contain carbon, hydrogen, oxygen, nitrogen, and usually sulphur and are composed of one or more chains of amino acids; and
- (iii) of which the nitrogen shall be multiplied with the appropriate factor as listed in Annexure 2;

"raw-processed meats" means raw meat products from all species of meat animals and birds intended for human consumption in South Africa, that resembles a cut, joint, slice, portion or carcass of meat, cured or uncured, or a combination thereof, prepackaged or unpre-packed, that has not undergone any heat treatment and where any added ingredient and/or additive and added water, including brine, is retained in or on the product as sold, but exclude products covered by the SANS 885 standard;

"ready-to-eat-food" means any food (including beverages) which is normally consumed in its raw state or any food handled, processed, mixed, cooked, or otherwise prepared into a form in which it is normally consumed without further processing;

"reputable laboratory" means a laboratory which has the required accreditation for each method and technique used for the purpose of nutritional and microbiological information in terms of probiotics on labels of foodstuffs by the South African National Accreditation System (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;

"salt" means the compound Sodium Chloride in the ratio Na:Cl of 40:60;

"SANAS" means the South African National Accreditation System, a statutory body governed by the Accreditation for Conformity Assessment, Calibration and Good Laboratory Practice Act, 2006 (Act No. 19 of 2006);

"sell" means as defined by the Act;

"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;

"sell by retail" means to 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" 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 which is referred to in the nutritional information table when provided on the label;

"significant cereal" means any one of the following cereals:

- (i) Wheat, meaning any species belonging to the genus *Triticum*, including varieties such as kamut and spelt;
- (ii) Rye, meaning any species belonging to the genus *Secale*;

- (iii) Barley, meaning any species⁷ belonging to the genus *Hordeum*;
- (iv) Oats; or
- (v) Crossbred hybrids of wheat, rye or barley (e.g., triticale, which is a cross between wheat and rye).

“single ingredient agricultural commodities” means:

- (i) single type fresh fruit and vegetables;
- (ii) single ingredient frozen vegetables;
- (ii) single ingredient dehydrated vegetables without any added additive or ingredient;
- (iv) single ingredient dried fruit without any added additive or ingredient;
- (v) eggs (hens' and ostrich);
- (vi) fresh or frozen unprocessed fish and marine products
- (vii) unprocessed meat of animal and birds referred to in Schedule 1 of the Meat Safety Act, 2000 (Act No. 40 of 2000) that is intended for human consumption in South Africa;
- (viii) black and green tea, honeybush tea and rooibos tea;
- (ix) vinegar;
- (x) honey;
- (xi) single ingredient whole grain cereal kernels;
- (xii) single ingredient rice;
- (xiii) single ingredient raw oil seeds;
- (xiv) raw soya beans
- (xv) raw groundnuts without any added ingredient or additive
- (xvi) single ingredient dry legumes
- (xvii) milk and dairy cream;
- (xix) raw fresh tree nuts without any added additive or ingredient; and
- (xx) fresh or dried coconut flesh;

“speciality breads” means any bread which is not prepared exclusively with and containing at least 90% fortified wheat flour, excluding water;

“starch” means edible starch as listed in Guidelines 1 and exclude chemically modified starches;

“strict vegetarian diet” means a diet which excludes all ingredients and additives derived from animal origin and the expression “vegan diet” has the same meaning;

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

“sugar confectionery” means any foodstuff which is ready for consumption without further preparation and of which carbohydrate sweetening matter is a characteristic ingredient, and which

may contain non-nutritive sweetening agents and includes sweetened liquorice, chewing gum and meringues, but does not include any chocolate or flour confectionery, edible ice, table jellies or sugar;

“the Act” means the Foodstuffs, Cosmetics and Disinfectants Act, 1972 (Act No. 54 of 1972);

“total carbohydrates” means the sum of the mono-, di- oligo- and polysaccharides as indicated in Guideline 1;

“total sugar” means the sum of all intrinsic and added sugars;

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

“tree nuts” means almonds (*Prunus dulcis*, syn. *Prunus amygdalus* Batsch, *Amygdalus communis* L., *Amygdalus dulcis* Mill), 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, composite nutritional or microbiological values of a foodstuff which is sampled according to the relevant criteria stipulated in Guideline 5 and which is analysed in accordance with the methods described in these regulations, the Guidelines or Codex, and which has the required accreditation by the South African National Accreditation System (SANAS) or other recognised international accreditation authority which is part of the ILAC arrangement;

“vegetarian” means a diet which-

- (i) consists of ingredients of multi-cellular plant, fungal, algal and bacterial origin;
- (ii) may include honey, dairy foods produced without any slaughter by-products, and/or unfertilised eggs obtained from live animals; and
- (iii) excludes all animal flesh and products obtained from the slaughter of an animal, such as gelatine, animal fats, caviar and roe;

“uncommon allergen” means any food or non-food allergen not classified as a common allergen;

“Use by” (Best Consumed Before, Recommended Last Consumption Date, Expiry Date) means the date which signifies the end of the estimated period under the stated storage conditions, after which the product probably will not have the quality attributes normally expected by the consumers and after which date the food should not be regarded as marketable;

“**unprocessed meat**” means uncooked, uncured meat which has not been processed and which does not fall in the category of a processed meat or a raw-processed meat;

“**whole grain**” means grains from cereals, which, after milling (if milled), naturally contain all the components namely endosperm, bran, germ, and all the macronutrients, micronutrients and trace elements of the original unprocessed whole kernel.

GENERAL PROVISIONS

General

2. No person shall manufacture, import, sell 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.

3. No person shall advertise a foodstuff in any manner, which contains any information, claim, reference or declaration not permitted on the label in accordance with these regulations.

4. Subject to regulation 54(3) a non-prepackaged 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.

5. All information related to the requirements of these Regulations shall be kept on record by the manufacturer, importer, or seller and failure to produce the relevant documentation within 2 (two) working days upon request by an inspector, or employee of the Department shall constitute an offence.

6. No label or advertisement of any nature of a foodstuff shall refer to the Act, food-related food Regulations, the Department of Health, Provincial or Local Government, or official of the said Department, Provincial or Local Government.

Presentation

7. (1) Subject to the provisions of regulation 8, information required to appear on any label shall be -

(a) in English and where possible, at least one other official language of the Republic of South Africa;

(b) clearly visible, easily legible and indelible and the legibility thereof shall not be affected by pictorial or any other matter, printed or otherwise.

(2) The labels of pre-packaged foodstuffs shall be applied in such a manner that it can not be separated from the container at point-of sale.

Letter sizes

8. Unless otherwise stipulated by the Agricultural Products Standards Act, 1990 (Act No. 119 of 1990) and the National Regulator for Compulsory Specifications Act, 2008 (Act No. 5 of 2008), and -

(a) subject to these regulations, the name of the foodstuff shall appear on the main panel of the label in letters not less than 4 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, in addition, be on the cap in letters not less than 1 mm in height for lower case vowels;

(b) (i) 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 mm in height for lower case vowels;

(ii) (aa) the letter sizes prescribed in paragraph (a) shall apply to packages of which the main panel exceeds 12 000 mm²; and

(bbi) in the case where the area of the main panel of the package does not exceed the area indicated in column I of the table below but exceeds the next smaller area listed in the column, the information on the 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 regulations: Provided that the height to which the letters may be reduced shall be not less than 1 mm in height for lower case vowels;

I	II
Area in mm ²	Percentage (%) of prescribed height
12 000	85
8 000 to 11999	70
5000 to 7 999	50

(c) words which qualify the name of the foodstuff or which are an essential part of the description thereof, shall be reflected in the immediate proximity to the name in prominent, distinctive 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 the case of returnable soft drink bottles, the information on the cap, with the exception of the name, shall be in letters not less than 1 mm in height for lower case vowels; and

(d) 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

9. The label of a pre-packaged 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 an 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, importer or seller; Provided that in the case of imported foodstuffs, the manufacturer's name and address shall be included on the label;
- (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 16 to 29, where applicable;
- (e) special storage conditions, where applicable; and
- (f) the net contents of the container in the SI-units ("Système International units") in accordance with the requirements of the Trade Metrology Act, 1973 (Act No. 77 of 1973).

Country of origin

10. Unless otherwise required by regulations published in terms of the Agricultural Products Standards Act, 1990 (Act No. 119 of 1990) and the National Regulator for Compulsory Specifications Act, 2008 (Act No. 5 of 2008), the country of origin of a foodstuff shall be declared on the label as follows:

- (a) "Product of (name of country)" if all the main ingredients, processing and labour used to make the foodstuff are from one specific country;
- (b) "Produced in (name of country)", "Processed in (name of country)", "Manufactured in (name of country)", "Made in (name of country)" or similar words when a foodstuff is processed in a second country which changes its nature; or
- (c) the words "Packed in (name of country)" may be used in addition to the requirement of paragraph (a) or (b) above.

Batch identification

11. A container of a foodstuff shall be clearly marked with a batch number in such a way that the specific batch is easily identifiable and traceable unless otherwise stipulated in terms of regulations published under the Agricultural Products Standards Act, 1990 (Act No. 119 of 1990) and the National Regulator for Compulsory Specifications Act, 2008 (Act No. 5 of 2008).

Date marking

12. (1) No person shall import, manufacture, sell, distribute or donate a foodstuff unless a date marking is clearly indicated on the label or container of such foodstuff, except those foodstuffs indicated in Annexure 4.
- (2) The date shall be preceded by appropriate words "best before" and/or "use by", and/or "sell by", depending on the nature of the product; Provided that abbreviations shall not be permitted, except "BB" for "best before", but the preceding words shall be written out in full.
- (3) The date marking may not be removed or altered by any person.

(4) In cases where several items are included in an outer wrapper or sleeve, which during normal usage by the consumer will be discarded, the date shall appear on the packaging that will be retained by the consumer until consumption

(5) The date shall be indicated in the order, "Day-Month-Year", when numbers only are used; Provided that where, in the case of imported products, another order than "Day-Month-Year" is used, the month is indicated in letters, either written out in full or abbreviated, and the year is written out in full.

Prohibited statements

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

(a) words, pictorial representations, marks, logos or descriptions which create an impression that such a foodstuff is supported, endorsed, complies with or has been manufactured in accordance with recommendations by-

(i) health practitioner, individually or through any professional or consumer advisory organisation consisting of one or more of the aforementioned health practitioners;

(ii) organisations, associations, foundations and other entities (excluding religious certifying organisations or any Fauna and Flora related certifying and endorsing bodies), unless approved by the Director-General and which can provide proof of the fact that they are involved in generic health promotion which is supported by evidence-based nutrition, and that the directions of the organisation, association or foundation do not contradict the requirements of these regulations in terms of nutrition claims and the criteria thereof;

(b) an endorsement or testimonial of an individual in the form of a picture, written or verbal statement or in any other form, when the individual's endorsement or testimonial imply a nutrition claim;

(c) an endorsement of a manufacturer or seller in the form of a logo, mark, symbol, written or verbal statement or any other manner of communication with regard the nutritional, 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 2 working days;

(d) the words "health" or "healthy" or other words or symbols implying that the foodstuff in and of itself or a substance of the foodstuff 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 51(2);

(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) subject to the provisions of the Medicines and Related Substances Act, 1965 (Act No. 101 of 1965) as amended, the word "cure" or any other medicinal claim, including prophylactic and therapeutic claims;

Negative claims

14. (1) Subject to the conditions for nutrient content claims in Table 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: "A naturally (name of characteristic, property or substance) free food"; or "(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 subregulation (1),-

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

(b) where a claim or declaration 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, or declaration 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)"; or

(c) Where an additive, which is permitted for a particular class or category of foodstuffs under specific regulations under the Act, is not used in the foodstuff, but is naturally present in the ingredients of the foodstuff, the claim, declaration or implication, when used, shall be worded as follows: "no added (name of additive)".

- (3) No declaration referred to in subregulations (1) en (2) shall be made in relation to packaged water.

Mandatory warning on certain foodstuffs

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

"WARNING – PRESSURISED – do not puncture or store above 50 °C".

SPECIAL PROVISIONS

Seasonal ingredients

16. 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

17. Ingredients of a blended, compounded or mixed foodstuff, including mixtures of herbs and spices sold as such and additives, shall be listed on any label in descending order of mass as present in the end product under the heading "Ingredients".

18. Subject to regulation 28, added water shall be declared in the list of ingredients in the appropriate order.

19. 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.

20. 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.

21. 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 regulations 52(6 and 7).

Naming of ingredients

22. 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.

23. Subject to the provisions of regulations 36 to 42, 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 flavourings shall be indicated as "flavouring" only and shall not be qualified further by either the word natural, synthetic, artificial or nature-identical or any other similar wordings.

24. 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.

25. 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)

26. (1) Where 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 Guideline 3; and
- (b) as the case may be, in parenthesis-
 - (i) in close proximity to the words, illustrations or graphics emphasising a particular ingredient or;
 - (ii) directly after the name or descriptor of the foodstuff; or
 - (iii) after each characterising, emphasised ingredient listed in the list of ingredients.

(2) Notwithstanding the requirements of regulation 26(1)(b), the Agricultural Products Standards Act, 1990 (Act No. 119 of 1990) and subject to Regulations 17 and 28(c), raw-processed meat products shall indicate the quantitative ingredient declaration as a percentage for the meat and water content on the main panel in bold capital letters at least 3 mm in height.

Compound ingredients

27. Subject to regulations 42 to 46, where a compound ingredient, including "milk solids" is used in a foodstuff, the names of the ingoing ingredients, additives and components of the compound ingredient shall be listed in parenthesis in descending order after the name of the compound ingredient in the list of ingredients.

Added Water

28. Subject to regulation 18, 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, excluding raw-processed meats.

Fats and oils

29. (1) In relation to fats and oils (single or in combination) which have been used in foodstuffs, and additional to the requirements of Regulations 16 and 27 –

- (a) the class names of ingoing fats and oils shall be indicated in the list of ingredients as "vegetable", "animal", "fish" or "marine"; provided not only the class names are specified, but each class name is further qualified by an indication of all of its ingoing type(s) of fats and oils, in parenthesis after the class name;
- (b) in the case of vegetable fats and oils, the particular part of the plant from which the fat or oil is derived, shall be specified; and
- (c) such fats and oils shall be qualified by the term "hydrogenated" when applicable.

(2) No oil or oil blend from plant origin shall claim "cold-pressed", "mechanically pressed" or any other words with a similar meaning unless it complies with the requirements as per definition of "cold pressed" in these regulations.

Bulk stock

30. (1) 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.

(2) In cases where a 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 pre-packed foodstuff; those foodstuffs need not be labelled with a list of ingredients.

Small packages

31. 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 sized packages of herbs and spices, are exempted from the requirements of labelling, except for the declaration of the name, the address of the manufacturer, an appropriate date, the declaration of common allergens, if applicable and the declaration according to Regulation 49 that the product has undergone irradiation.

Storage instructions

32. (1) Subject to the requirements in Regulation 8, words that indicate the appropriate storage instruction before and after opening, shall appear in bold font, upper-case letters not less than 3,0 mm in height on the label.

(2) The manufacturer shall determine the appropriate storage instruction relevant to the nature of the foodstuff, to ensure that any specific quality attributes for which tacit or express claims have been made, are retained and preserved.

Food vending machines

33. 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

34. The pictorial representation on the label or any advertisement of a foodstuff 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, nature or other properties in any respect.

Labelling of pre-packed food additives

35. 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.

Indication of food additives

36. (1) All additives shall be indicated in the list of ingredients.
- (2) Subject to regulations 37 to 40 additives may be indicated by their category names as listed in Annexure 1.
- (3) Subject to Regulation 8(3) and regulations published in terms of the Agricultural Products Standards Act, 1990 (Act No. 119 of 1990), where a foodstuff contains a flavouring of an ingredient, but not the real ingredient itself, the words "flavouring" or "flavoured" shall accompany the name or the descriptor of the product to clearly indicate that only a flavouring was used and not the real ingredient itself.
37. 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.
38. (1) The presence of any preservative shall be indicated on any label by the common chemical name of the preservative, preceded by the word "preservative" and followed by the listed preservatives in parenthesis or, in the case of sodium or potassium nitrite and sodium or potassium nitrate used in shelf stable cured meat products, preceded by the words "curing agent" and followed by the listed curing agents in parenthesis.
- (2) When the preservative sulphur dioxide or related compounds such as sodium sulphite, sodium hydrogen sulphite (sodium bisulphite), sodium metabisulphite, potassium metabisulphite, calcium sulphite, calcium hydrogen sulphite or calcium bisulphite, is used at a level of less than 10mg per kilogram foodstuff as packed or ready to eat, the preservative sulphur dioxide or related compounds needs not be declared.
39. An anti-oxidant as an additive shall be indicated by the common chemical name or abbreviation as appropriate in the list of ingredients.
40. The addition of monosodium glutamate (MSG) shall be indicated in the list of ingredients as monosodium glutamate or the abbreviation MSG followed by the word "flavour enhancer".

41. With the exception of preservatives, anti-oxidants, and the colourant Tartrazine, it shall not be necessary to refer in the list of ingredients to any food additive 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.

42. Notwithstanding the requirements of regulations 36 to 41, any additive or carrier for an additive, which is derived from or contaminated with a common allergen, shall indicate the origin of the common allergen in parenthesis after the name of the additive in the manner [name of additive (name of a common allergen)].

Allergens

43. Where a product or its packaging material contains any common allergen, its presence shall be indicated, as the case may be:

- (1) (a) 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/or
 - (b) in close proximity to the ingredient list in a list or block with the words "Contains: (allergen(s))".
- (2) in the case of significant cereals, the name of the specific significant cereal species shall be specified in the name of the ingredient in the list of ingredients with the word "gluten" indicated in parenthesis.

Uncommon allergens

44. (1) The presence of uncommon 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 based on the information contained in the Supplier Ingredient Information File provided in Guideline 6 which shall be kept on record.

(2) The presence of goat's milk in a foodstuff shall be labelled in the same manner as for common allergens as indicated in regulation 43.

Allergen cross contamination

45. If there is a risk for cross-contamination of a common allergen in a food processing facility:

- (a) due diligence shall be exercised to prevent the occurrence of such contamination and an allergen control policy (ACP) shall be implemented in accordance with the guidelines; and
- (b) in the case where precautionary labelling is utilised, this shall not be utilised to circumvent the implementation of GMPs and an effective allergen control policy (ACP); and
- (c) in the case where precautionary labelling is utilised, the risk, the manner of assessing the risk, and the steps taken to avoid the risk of allergen cross-contamination, shall be documented.

46. Allergen-related claims**(1) Gluten-free and naturally gluten-free**

(a) The claim "gluten-free" shall only be permitted on a foodstuff if the foodstuff does not contain any of the following:

- (i) an ingredient that is any species of the significant cereals;
- (ii) an ingredient that is derived from any of the aforementioned significant cereals and that has not been processed to remove gluten;
- (iii) an ingredient that is derived from any of the aforementioned significant cereals which has been processed to remove gluten so that the use of that ingredient results in the presence of more than 20 mg/kg (ppm) gluten in the end product; or
- (iv) More than 20 mg/kg gluten, where the level of gluten is determined by the R5 Mendez Enzyme-Linked Immunosorbent Assay (ELISA) for gluten (as described in the Guidelines), or other Codex recommended methods.

(b) A cereal which, by its nature, is suitable for use as part of a gluten-free diet, shall not be designated "special dietary", "special dietetic" or any other equivalent term, but may bear a statement on the label that "this cereal product is by its nature gluten-free" provided that it complies with Regulation 47(1)(a) and such a statement does not mislead the consumer.

(2) Hypoallergenic, non-allergenic or allergen-free claims

No claim shall be made that a foodstuff –

(a) 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; or

(b) is free from any common or uncommon allergen or similar wording, unless the foodstuff has been tested to confirm the absence of the particular allergen(s), using suitable testing for the specific allergen(s).

Misleading descriptions

47. (1) Any word, statement, phrase, logo or pictorial representation which implies a message of being healthy or healthier or additive-free or veterinary medicine-free or which indicates the more humane treatment/rearing of food animals, such as, but not limited to, "grain fed", "grassfed", "Karoo lamb", "natural lamb", "country reared", "free range", "pure", "organic", which are linked to specific protocols which are registered with the Department of Agriculture or regulations in terms of the Agricultural Products Standards Act, 1990 (Act 119 of 1990) or National Regulator for Compulsory Specifications Act, 2008 (Act 5 of 2008), will be permitted on the prepackaged labelling and advertising of these products.

(2) In the case of foodstuffs that are not regulated in terms of the Agricultural Products Standards Act, 1990 (Act 119 of 1990) or National Regulator for Compulsory Specifications Act, 2008 (Act 5 of 2008), statements to the effect of being "fresh", "natural", "nature's", "pure", "traditional", "original", "authentic", "real", "genuine", "home made", "farmhouse", "hand-made", "selected",

"premium", "finest", "quality", or "best", or any other any words, statements, phrases, logos or pictorial representations which convey or imply similar concepts, shall be permitted if compliant with the criteria stipulated in Guideline 8.

(3) In the case of fish and other marine foodstuffs that are regulated in terms of the National Regulator for Compulsory Specifications Act, 2008 (Act 5 of 2008), the statement "wild" shall not be permitted unless it is qualified as "wild caught".

(4) Food products that were frozen and then thawed for subsequent sale-

(a) shall not be labelled "fresh"; and

(b) shall indicate the words "**PREVIOUSLY FROZEN**"-

(i) on the label of pre-packaged foodstuffs in bold upper-case letters not less than 3 mm in height; or

(ii) on a poster placed in close vicinity of where the foodstuff is offered for sale, in clear view of and easily legible to the consumer, in black, bold letters of which the size is suitable for easy legibility on a poster, where such foodstuffs are not pre-packaged but exhibited for sale in bulk.

Vegetarian claims

48. (1) Claims that a foodstuff is suitable for vegetarians shall specify the category of vegetarian by adding one or a combination of the following prefixes to the word "vegetarian":

(a) "Lacto (milk)" – means milk and milk products are included but products in which animal rennet is used during preparation are excluded.

(b) "Ovo (egg)" – means unfertilised eggs (preferably free-range) and egg products are included.

(c) "Honey" – means honey is included.

(d) "Strict vegetarian" or "vegan" means ingredients of multicellular plant, fungal, algal and bacterial origin are included but all ingredients and additives derived from animal origin are excluded.

(2) When a foodstuff is manufactured for the "strict vegetarian" or "vegan" market and a claim in respect of "strict vegetarian" or "vegan" is made on the label and it is not possible to conclude from the name of the ingredient or additive that they are derived from non-vegetarian origin, any additive (refer to Annexure 1) or ingredient (refer to Guideline 9) derived from non-vegetarian origin which is added to the foodstuff shall be declared as "non-vegetarian origin" or in words that specify the source in parenthesis after the name of the additive or ingredient.

Irradiation

49. (1) The label of a foodstuff which has been treated with ionizing radiation shall carry a written statement indicating the treatment in close proximity to the name of the food.

(2) The use of the international recognised food irradiation symbol as illustrated by the Codex General Standard for the Labelling of Prepacked Foods, is optional, but when it is used, it shall be in close proximity to the name of the food.

- (3) When an irradiated foodstuff is used as an ingredient in another foodstuff, this shall be so declared in the list of ingredients.
- (4) When a single ingredient foodstuff is prepared from a raw material which has been irradiated, the label of the foodstuff shall contain a statement indicating the treatment.

NUTRITIONAL INFORMATION

50. (1) Nutritional information when required by these Regulations or when presented voluntarily on a label, shall always contain the following information in the order as per generic example in point 1 of Annexure 2:
- (a) The heading "Typical nutritional information";
 - (b) an indication of the mass or volume of a single serving; and
 - (c) the minimum, mandatory nutritional information as per format described in point 1 of Annexure 2, expressed per single serving as well as per 100g for solid foodstuffs or 100ml for liquid foodstuffs unless otherwise indicated in terms of these regulations.
- (2) Nutritional information shall always be presented in the tabular format as per point 1 of Annexure 2 unless otherwise indicated in terms of these regulations.
- (3) The appropriate unit of measurement shall appear behind the nutrient or energy value: Provided that –
- (a) the energy content of the foodstuff shall always be declared in "kilojoules" or "kJ";
 - (b) the energy value shall be calculated using the conversion factors in point 2 of Annexure 2;
 - (c) the amount of each nutrient shall be declared by mass; and
 - (d) the units of measurement as indicated in both Annexures 2 and 3 shall be used.
- (4) The following information, when applicable, shall be provided beneath the table as a footer:
- (a) The source of the data in the case where no claim was made but nutritional information was provided voluntarily by the manufacturer as indicated by subregulation 50(13).
 - (b) In the case where a foodstuff is packed in a liquid medium and nutritional information is provided, a statement where relevant, to indicate whether the nutritional information applies to the drained weight or to the net contents of the container.
 - (c) A statement to the effect that the nutritional information refers to the ready-to-eat product or the product as packed, whatever is appropriate.
 - (d) An indication of the method of analysis used to determine dietary fiber.

Transferring nutritional information from analysis reports to nutritional information table

(5) When nutrient values, obtained as a result of analysis, are prepared for the nutritional information table for labelling purposes, the nutrient value declared in the table with nutritional information, shall be rounded off appropriately as indicated in Annexure 6.

Optional information for nutritional information table

(6) Protein, vitamins and minerals for which an NRV value exist, may be expressed as a percentage of the NRV per single serving in an additional column to the right of the mandatory format in point 1 of Annexure 2.

Verification of qualifying criteria

(7) For the purposes of verifying the validity of any nutrient content claim against the qualifying criteria in Table 1, Parts A and B, "Conditions for nutrient Content Claims", the standard Nutrient Reference Value (NRV) of individuals 4 years and older as indicated in Annexure 3 shall apply.

Single serving sizes

(8) (a) An indication of the mass or volume of a single serving shall be determined by the manufacturer and shall be an appropriate serving size for a single serving which would not encourage consumers to consume "supersize" servings which might result in an undesirable increase of their total energy intake that could contribute to unhealthy weight gain.

(b) The manufacturer shall produce appropriate, scientific, evidence-based documentation justifying the serving size that was chosen and shall be able to provide such justification to an inspector upon request.

Formulation changes

(9) When the ingredients, excluding additives, of a foodstuff are altered in any way, the affected product shall be re-analysed for its nutritional content for labeling purposes and re-labelled.

Special characteristics or properties

(10) (a) No claim shall be made on the label of a foodstuff that the foodstuff has acquired nutritive value from nutrients or substances added for technical or sensory reasons.

(b) Subject to regulation 13(g), a claim for anti-oxidants as nutrients shall be subjected to pre-market approval and registration by the South African Health Products Regulatory Authority (SAHPRA) for efficacious daily and single serving levels.

Claims, which depend on another foodstuff

(11) A claim regarding the nutrient and/or energy content of a foodstuff shall not refer to any foodstuff not included 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.

Mandatory nutritional information declaration requirements when a claim is made

(12) Where a nutrition claim is made-

- (a) the nutritional information as required by these regulations shall be the real, typical values as determined by a reputable laboratory through chemical or microbiological analysis in accordance with the methods recommended in these regulations, Guidelines or Codex, and where no specific methods are recommended, a method which has been accredited by SANAS or ILAC;
- (b) the nutritional information shall -
- (i) be the minimum, mandatory, nutritional information as per point 1 of Annexure 2; plus
 - (ii) include the appropriate nutritional information of the nutrient(s) which is/are the subject of the claim, indicated after the minimum, mandatory nutritional information as per point 1 of Annexure 2: Provided the nutrient(s) is/are not already listed as part of the minimum, mandatory nutritional information format;
 - (iii) in accordance with the requirements and procedures of Guideline 5, -
 - (aa) be representative of the product as typically produced;
 - (bb) be the result of analysis done on a composite sample, made up of an appropriate number of samples, gathered over a suitable period of time and from a reasonable number of batches, by a reputable laboratory, to provide a true representation of the product;
 - (cc) be based on a laboratory analysis report compiled by an reputable laboratory;
 - (dd) be verified at least once every three (3) years by analysis and kept on record, and
 - (ee) be analysed in accordance with the methods stipulated in these regulations or where no method is stipulated, by methods approved and recommended by Codex; and.
- (c) the manufacturer shall -
- (i) compile a report on the details of how the sampling was conducted based on the Guideline 5;
 - (ii) keep the report referred to in paragraph (a) on record, and provide copies of the report to the importer and/or distributor; and
 - (iii) when presenting the samples to a reputable laboratory for analysis, inform the laboratory that the analysis is for labelling purposes and that the laboratory report must include the information requested in point 3 of the Guideline 5.

General nutritional information when no claim is made

(13) Where voluntary nutritional information is provided on the label but no nutrition claim is made-

(a) (i) in the case of single ingredient agricultural commodities, 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: Provided that in cases where no suitable information is available from the above-mentioned Food Composition Tables, other recognised Food Composition Tables, in-house analytical data, calculation based on the analytical values of individual ingredients as recorded in the Supplier Ingredient Information Files per Guideline 7 or subject to the requirements of Guideline 5, analysis by a reputable laboratory may be used; and

(ii) in the case of foodstuffs other than single ingredient agricultural commodities, in-house analytical data, analysis by a reputable laboratory or calculation based on the analytical values of individual ingredients as recorded in the Supplier Ingredient Information Files per Guideline 7, may be used.

(b) an indication of the source of the information shall be indicated as a footnote under the table with nutritional information;

(c) the minimum, mandatory nutritional information shall be given in the tabular format as per point 1 of Annexure 2, except in cases where the size of the label is restricted by the physical size of the product and less than 900 mm² remains after the minimum requirements in terms of these regulations have been met, the nutritional information may be indicated in a linear format; and

(d) the label may, in addition to the minimum, mandatory nutritional information as per point 1 of Annexure 2, contain any other nutritional information of the manufacturer's choice per single serving and per 100 g/ml.

CLAIMS**General**

51. (1) No claim not permitted according to these regulations shall be allowed to appear on foodstuff labels or any advertisement thereof.

(2) 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.

(3) No nutrition or energy claim or any other claim with a nutrition related message shall be permitted for packaged water.

Nutrient content claims

52. (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 (PARTS A and B).
- (2) When a nutrient content claim that is listed in Table 1 is made, the conditions specified in Table I 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", "high" or "very 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) (a) 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 1A; and
 (b) Subject to subregulation 7 below, no person shall use the word "trace" to indicate the near absence of a nutrient in the nutritional information table, as a result of limitations in terms of analytical methodology, but may instead indicate the uncertainty about a precise value as "< (quote the lowest value on the calibration curve)".
- (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 either naturally or added, in amounts of less than 5% of the NRV 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 packaged water; Provided where vitamins and minerals are present in amounts between 5 and 15% of the NRVs they may be listed in the nutritional information table but no claim for any of them shall be allowed.

Summary

NRV for vitamins and minerals	May a claim be made?	May it be listed in the nutritional information table?
0 - <5%	No	No
5% - <15%	No	Yes
15% - < 30%	Yes – "source of"	Yes
30% or more	Yes – "high in"	Yes
60% or more	Yes – " very high in"	Yes

(8) Where two or more conditions for a nutrient content claim are required in Table 1 (Parts 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, yoghurt and thick smoothie type beverages, shall be considered solids.

(10) (a) Where a nutrient content claim ("source of" or "high in"), is made for dietary fiber content the analytical values shall be indicated in the table with nutritional information as indicated in Annexure 2 and the method of analysis used to measure the dietary fiber content shall be indicated beneath the table or in parenthesis after the word dietary fiber if label space permits.

(b) Where a nutrient content claim ("source of" or "high in"), is made for dietary fiber the applicable criteria in Table 1B that corresponds with the method of analysis used to measure dietary fiber, shall be used.

(c) No nutrient content claim ("source of" or "high in"), for novel fibres shall be permitted.

(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 quality of which the analysed amino acids of the foodstuff, shall contain at least 100% of each of the amino acids as per the reference amino acids pattern listed in Annexure 5; 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(Parts 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	...
	polyunsaturated	...
	monounsaturated	...
Cholesterol		...mg

(b) for omega-3 fatty acids, the particular omega-3 fatty acid(s) shall be-

(i) specified, and

(ii) 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 fatty acids	...g
	polyunsaturated fatty acids	...g
	of which omega-3 fatty acids	...mg
	of which ALA	mg
	and/or EPA	...mg
	and/or DHA	...mg
	and/or DPA	mg
	monounsaturated	...g
	Cholesterol	... mg

(13) 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.

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

Lean, trim or any similar wording	≤ 10% of total fat as analysed
Extra lean, extra trim or any similar wording	≤ 5% of total fat as analysed

(15) Subject to the requirements, where applicable, of regulations 51 and 53(1 to 14), 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*)
	Virtually free or free from	17kJ per 100ml (liquids*)
Total fat	Low	3 g per 100g (solids*) 1.5g per 100 ml (liquids*)
	Virtually free or free from	0.5g per 100g/ml
Saturated fat	Low	1,5g per 100g (solids*) 0,75g per 100ml (liquids*) and not more than 10% of energy
	Virtually free or free	0,1g per 100g (solids*) 0,1g per 100ml (liquids*)
Cholesterol	Low	20mg per 100g (solids*) 10mg per 100ml (liquids*)
	Virtually free or free	5mg per 100g (solids*) 5mg per 100ml (liquids*) and for both claims, low and free of, less than: 1.5g saturated fat and trans fat combined per 100g (solids) or 0,75g saturated fat per 100 ml (liquids) and 10% ** of energy from saturated fat
Mono – and disaccharides	Virtually free or free	0,5g per 100g/ml
Sodium	Low	120mg Na per 100g (equals 305mg NaCl)
	Very low	40mg Na per 100g (equals 102mg NaCl)
	Virtually free or free	5mg Na per 100g (equals 13mg NaCl)
Alcohol	Non-alcoholic	0.5% by volume
	Virtually free or free	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
1. Dietary Fibre (as measured by the latest update of the Englyst method as stipulated in the table in Guideline 1)	Source of High in	2.4 g per 100g (solids) 4.8 g per 100g (solids)
2. Dietary Fibre (as measured by the latest update of the specific general AOAC method used which are listed in the table in Guideline 1)	Source of High in	3 g per 100g (solids) 6g per 100g (solids)
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	≥ 40% ****PUFA's and ≤ 20%**** Saturated fatty acids and < 1 g Trans fatty acids ≥ 60% ****PUFA's and ≤ 20%**** Saturated fatty acids and < 1 g Trans fatty acids
Monounsaturated fatty acids (MUFA's)	Source of High in	≥35% **** MUFA's and ≤ 20%**** Saturated fatty acids and < 1 g Trans fatty acids ≥ 60%**** MUFA's and ≤ 20%**** Saturated fatty acids and < 1 g 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	75 mg per single serving
	High in	150 mg per single serving
	Very high in	300 mg per single serving
Vitamins and minerals excluding potassium# and sodium	Source of	15% of NRV** per serving
	High in	30% of NRV** per serving
	Very high in	60% of NRV** per serving
Carotenoids: Betacarotene Lycopene Lutein Zeaxanthin	Source of	0.5 mg per 100g
	High in	2 mg per 100g
	Source of	0.5 mg-per 100g**
	High in	2 mg per 100g***
	Source of	0.5mg per 100g
	High in	2 mg per 100g
	Source of	0.1mg-per 100g
	High in	0.5mg-per 100g

* refers to end product

** NRV's 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.

Comparative claims

53. (1) No claim which compares the total fat, saturated fat, cholesterol, sugar, sodium or salt, energy value or alcohol level of two or more similar foodstuffs by using one of the following words or a similar word "reduced", "less than", "fewer", "light", "lite", shall be made on the label or in an advertisement of a foodstuff, unless the following conditions are complied with:

- (a) the foodstuffs being compared are different versions of the same or similar foodstuffs;
- (b) the foodstuffs being compared are clearly labelled as follows:
 - (i) a statement is given of the amount of difference in the energy value or relevant nutrient, or alcohol, expressed as a percentage;
 - (ii) the identity of the foodstuff(s) to which the foodstuff is being compared, appears in close proximity to the comparative claim.
- (c) the comparison is based on a relative difference of at least 25% in the energy value or nutrient or alcohol content of an equivalent mass or volume (Refer to Guideline 4 for examples of how the percentage of difference can be calculated);
- (d) the foodstuff is labelled with the prescribed nutritional information declaration referred to in point 1 of Annexure 2, as well as nutritional information relevant to the comparative claim in terms of the specific nutrient(s), energy or alcohol content of both foods;
- (e) the following information shall be stated in the claim:
 - (i) the specific nutrient(s) mentioned in subregulation 1 above and/or energy and/or alcohol content, whichever relate(s) to the comparison;
 - (ii) a full description of the two foodstuffs that are being compared (e.g. wholegrain provita versus whole wheat bread); and
 - (iii) the exact amounts of each of the two foodstuffs that are being compared (e.g. 3 provitas versus 1 slice brown bread).

(2) Comparative claims shall not be allowed for foodstuffs for which compositional standards exist under the Agricultural Products Standards Act, 1990 (Act No.119 of 1990) and the National Regulator for Compulsory Specifications Act, 2008 (Act No.5 of 2008), unless specific provision is made in these standards to accommodate comparative claims.

(3) Foodstuffs for which a class or category name exists under the Agricultural Products Standards Act, 1990 (Act No.119 of 1990) and the National Regulator for Compulsory Specifications Act, 2008 (Act No. 5 of 2008), in which words that could indicated a comparative or nutrient content claim and which are listed in the Guideline shall not be regarded as a comparative or a nutrient content claim.

(4) Comparative claims such as "more than", "increased" or other similar wordings are prohibited on physiologically beneficial nutrients such as vitamins, minerals, bioflavonoids, carotenoids or other beneficial food constituents.

EXEMPTIONS

54. (1) The following ingredients of a foodstuff need not be named in the list of ingredients:
- (a) Subject to regulations 19 and 29, constituents of an ingredient, which have become temporarily separated during the manufacturing process and are later re-introduced 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; Provided that the solvent or the carrier shall not be nor contain traces of a common allergen specified in these regulations;
 - (c) water or other volatile ingredients that evaporated in the course of manufacture;
- (2) The following foodstuffs need not be labelled with a list of ingredients:
- (a) vinegars which are derived by means of natural fermentation exclusively from a single basic product and to which no other ingredient has been added; or
 - (b) a foodstuff which consists of a single ingredient and the name of which clearly identifies the product.
- (3) The following foodstuffs are, unless otherwise provided in these regulations, exempted from the requirements regarding labelling except when a nutrition claim is made in which case the mandatory nutritional information referred to in subregulation 51(12) above shall appear on the label:
- (a) Hens' eggs and ostrich eggs except for a date on which the eggs were packed;
 - (b) fresh, unprocessed vegetables which have not been mixed;
 - (c) fresh, unprocessed fruit which have not been mixed;
 - (d) wheat products, which are not pre-packed (naked bread) except for information on the list of ingredients, including allergens, which must be available at the point of sale upon request;
 - (e) any drink referred to in the Liquor Products Act, 1989 (Act No. 60 of 1989): Provided that where health statements/warnings are prescribed, these facts shall be indicated on the label in accordance with the provisions of the Act;
 - (f) unprocessed fish, unprocessed marine products, unprocessed meat of animal and birds referred to in Schedule 1 of the Meat Safety Act, 2000 (Act No. 40 of 2000) that is intended for human consumption in South Africa, that have not been pre-packed, excluding raw-processed meats for which information on the list of ingredients, including allergens, must be available at the point of sale upon request;
 - (g) unprocessed fish, unprocessed marine products, unprocessed meat of animal and birds referred to in Schedule 1 of the Meat Safety Act, 2000 (Act No. 40 of 2000) that is intended for human consumption in South Africa, pre-packed in such a way that the purchaser is able to identify the contents of the package, except for an indication of the type of animal, fish or bird, and in the case of raw-processed meats,

a list of ingredients and an indication of the presence of a common allergen where applicable, as required by these regulations;

(h) any ready-to-eat foodstuff prepared and sold on the premises of a catering establishment for consumption, except for information on the list of ingredients, including allergens, which must be available at the point of sale upon request;

(i) unpacked or transparently-packed servings of foodstuffs that are sold as snacks on the premises of preparation;

(j) flour confectionary intended to be consumed within 24 hours of manufacture, except for information on the list of ingredients, including allergens, which must be available at the point of sale upon request; and

(k) ice, except for the name and address of the manufacturer.

REPEAL

55. Subject to regulation 56, the regulations promulgated under Government Notice Number R. 908 of 27 May 1977 in so far it refers to foodstuffs, as amended by Government Notices Numbers R.1389 of 22 July 1977, R.1843 of 28 August 1981, R. 2298 of 26 October 1984, R. 2567 of 15 November 1985, and R. 2034 of 29 October 1993, as amended by R. 932 of 30 June 1995 and R. 129 of 2 February 1996, and the definition of "gluten free" and regulations 5 (2) (e) and 5 (3) (e) of the Regulations relating to Foodstuffs for Infants, Young Children and Children (R. 1130 of 8 June 1984), shall be repealed in so far they relate to foodstuffs from the day that these regulations come into operation.

COMMENCEMENT

56. These regulations –

(a) except regulation 52(5)(a) shall come into operation 12 months after the date of final publication; and

(b) regulation 52(5)(a), shall come into operation 3 months after date of final publication.

MINISTER, DR AARON MOTSOALEDI

MINISTER OF HEALTH

REFERENCE INDEX

Regulation number	Title of heading
1	DEFINITIONS
2 – 16	GENERAL PROVISIONS
Title of Regulations and 3	Advertising principles
2 – 6	General
7	Presentation
8	Letter sizes
9	Identification of product
10	Country of origin
11	Batch identification
12	Date marking
13	Prohibited statements
14	Negative claims
15	Mandatory warning on certain foodstuffs
16 – 50	SPECIAL PROVISIONS
16	Seasonal ingredients
17 – 21	Order of list of ingredients
22 – 25	Naming of ingredients
26	Quantitative ingredient declaration (QUID)
27	Compound ingredients
18, 28	Added water
29	Fats and oils
30, 50(2)	Bulk stock
31	Small packages
32	Storage instructions
33	Food vending machines
34	Pictorial representation
35	Labelling of food additives sold as such
36 – 42	Indication of food additives on labels
42 and 43 – 46	Allergens
47	Misleading descriptions
48	Vegetarian claims
49	Irradiated foodstuffs
50	NUTRITIONAL INFORMATION

51 – 53	CLAIMS
51	General requirements
52	Nutrient content claims
53	Nutrient comparative claims
54	EXEMPTIONS
55	REPEALS
56	COMMENCEMENT
Annexure number	Title of Annexure
ANNEXURE 1	Categories of additives that may be identified by their category name in a list of ingredients
ANNEXURE 2	Prescribed nutritional information declaration format and conversion factors
ANNEXURE 3	Nutrient Reference Values for the purpose of food labelling
ANNEXURE 4	List of foodstuffs exempted from a date of durability
ANNEXURE 5	Evaluation of protein quality for the purpose of when a protein claim is made
ANNEXURE 6	The manner of expression of energy, nutrient or other substances values found in foodstuffs in the table with nutritional information

ANNEXURE 1

CATEGORIES OF ADDITIVES THAT MAY BE IDENTIFIED BY THEIR CATEGORY NAME IN A
LIST OF INGREDIENTS

- *Acids
- *Acidity regulators
- *Anticaking agents
- *Antifoaming agents
- *Bulking agents
- *Carrier solvents
- *Chewing-gum bases
- *Clouding agents
- *Colour retention agents
- *Colourants (except tartrazine)
- *Chemically modified starches
- *Emulsifiers
- *Emulsifying salts
- *Enzymes ##
- *Firming agents
- *Flavourings
- *Flavour enhancers (except MSG and sodium chloride)
- *Flour improvers (flour treatment agent)
- *Foaming agents
- *Gelling agents ##
- *Glazing agents
- *Herbs or mixed herbs and spices or mixed spices, as appropriate
- *Humectants
- *Propellants
- *Raising agents
- *Sequestrants
- *Stabilisers
- *Starches
- *Thickeners

Refer to Regulation 48 and Guideline 8

ANNEXURE 2

MINIMUM MANDATORY NUTRITIONAL INFORMATION DECLARATION

1. Format

The prescribed “nutritional information declaration” means the following minimum mandatory nutritional information in the prescribed format on any foodstuff with nutritional information on the label.

TYPICAL NUTRITIONAL INFORMATION (as packed /ready-to-eat)

Quantified single serving size expressed in grams or millilitres, whatever is appropriate

	Per 100 g/ml	Per single serving
Energy (kJ)		
Protein (g)		
Glycaemic Carbohydrate (g) of which total sugar (g)		
Total fat (g)		
of which Saturated fat (g)		
*		
**		
**		

Dietary fibre [#] (g)		
Total Sodium (mg)		
<ul style="list-style-type: none"> • Any other nutrient or food component to be declared in accordance with these Regulations • in alphabetical order, in the order: vitamins, minerals, others. 	Indicated in grams (g), milligrams (mg), micrograms (mcg/ µg), or appropriate unit of measurement)	Indicated in grams (g), milligrams (mg), micrograms (mcg/ µg), or appropriate unit of measurement)

Nutrient reference values (NRVs) for individuals 4 years and older (see Annexure 3) expressed per single serving is optional

Place the statements required by regulation 50(4) as appropriate here.

* place to insert trans fat

** place for a subgroup nutrient, such as monounsaturated fat, polyunsaturated fat, omega-3 fatty acids et cetera

***place to insert cholesterol when cholesterol information is given

Indicate method of analysis used to determine dietary fiber

ANNEXURE 2 (continued)

PRESCRIBED NUTRITIONAL INFORMATION DECLARATION

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 Annexure the following conversion factors shall be employed:

- (a) Energy: 1 kcal equals 4,18 kJ;
- (b) 1 g of available carbohydrates¹ expressed as monosaccharides and/or disaccharides shall be deemed to contribute 17 kJ. However, when expressed as monosaccharide equivalents, a conversion of 16 kJ should be used;
- (c) 1 g of starch and glycogen shall be deemed to contribute 17 kJ;
- (d) 1 g of carbohydrates which reaches the colon shall be deemed to contribute 8 kJ, excluding polydextrose, fructo-oligosaccharides, inulin and maize bran;
- (e) 1 g of polydextrose shall be deemed to contribute 5 kJ;
- (f) 1 g of glycerol shall be deemed to contribute 18 kJ;
- (g) 1 g of polyol not specified hereunder shall be deemed to contribute 10 kJ;
- (h) 1 g of Erythritol shall be deemed to contribute 1kJ;
- (i) 1 g of Isomalt² be deemed to contribute 8 kJ;
- (j) 1 g of Lactitol shall be deemed to contribute 11 kJ;
- (k) 1 g of Maltitol shall be deemed to contribute 16 kJ;
- (l) 1 g of Mannitol shall be deemed to contribute 9 kJ;
- (m) 1 g of Sorbitol or Xylitol shall be deemed to contribute 14 kJ;
- (n) 1 g of Fructo-oligosaccharides and inulin³ shall be deemed to contribute 6 kJ;
- (o) 1 g of Maize bran shall be deemed to contribute 1,3 kJ;
- (p) 1 g of protein shall be deemed to contribute 17 kJ;
- (q) 1 g of alcohol (ethanol) shall be deemed to contribute 29 kJ;
- (r) 1 g of fat shall be deemed to contribute 37 kJ;
- (s) Novel fats:
Salatrim⁴, general family: 1 g shall be deemed to contribute 22 kJ
Olestra®: 1 g shall be deemed to contribute 0 kJ;
- (t) 1 g of organic acid shall be deemed to contribute 13 kJ;

1. FAO Food and Nutrition Paper no77: Food Energy – methods of analysis and conversion factors
2. Life Science Research Office (LSRO); Federation of American societies for Experimental Biology (1994), The evaluation of the Energy of Certain Sugar Alcohols used as Food Ingredients
3. Roberfroid M. B. (1999) Caloric value of inulin and oligofructose. J Nutr. 129: 1436S-1437S.

4. Salatrims means random short- and long-chain triacylglycerol molecules

3. **Protein conversion factors**

FACTORS FOR CONVERTING TOTAL NITROGEN TO PROTEIN

	FACTOR
Meat, Poultry and Fish	6,25
Eggs:	
*Whole	6,25
*Albumin	6,32
*Vitellin	6,12
Milk and milk products	6,38
Casein	6,40
Human milk	6,37
Soya	6,25
Beans	6,25
Nuts:	
*Almond	5,18
*Brazil and groundnuts	5,46
*Others	5,30
Gelatin	5,55
Oil seeds	5,30
Cereals:	
*Durum wheat	5,70
*Wheat:	
**Whole	5,83
**Bran	6,31
**Embryo	5,80
**Endosperm	5,70
*Rice	5,95
*Barley, oats and rye	5,83
*Millet	6,31
*Maize	6,25
Chocolate and cocoa	4,74
Mushrooms	4,38
Yeast	5,70
Compound foods (mixed proteins)	6,25

ANNEXURE 3

NUTRIENT REFERENCE VALUES (NRVs) FOR THE PURPOSES OF THESE REGULATIONS

NUTRIENT	unit of measurement	INDIVIDUALS AND 4 YEARS AND OLDER ^a
Protein	g	56
Vitamin A	µg ^a	900
Vitamin B ₁ or thiamine	mg	1,2
Vitamin B ₂ or riboflavin	mg	1,3
Nicotinic acid, nicotinamide or niacin	mg	16
Vitamin B ₆ or pyridoxine	mg	1,7
Folic acid or folate	µg	400
Vitamin B ₁₂ or cyanocobalamin	µg	2,4
Biotin	µg	30
Pantothenic acid	mg	5
Vitamin C or ascorbic acid	mg	100
Vitamin D	µg ^b	15
Vitamin E	mg te ^c	15
Vitamin K	µg	120
Calcium	mg	1300
Chromium	µg	35
Copper	mg	0,9
Iodine	µg	150
Iron	mg	18
Magnesium	mg	420
Manganese	mg	2,3
Molybdenum	µg	45
Phosphorus	mg	1250
Selenium	µg	55
Zinc	mg	11
Choline	mg	550

The values used in this Table are based on Recommended Dietary Allowances (RDAs) which will meet the needs of nearly all (97 to 98%) healthy individuals to prevent nutrient deficiencies. RDA values are not necessarily enough to maintain optimum nutritional status and prevent chronic disease. These values are therefore considered to be the minimum amounts necessary to achieve and maintain optimum nutritional status which will assist in the reduction of disease, specifically degenerative diseases of lifestyle.

^a Retinol equivalents (RE) = 1 mcg retinol = 3,33 I.U. (International units) vitamin A = 12 mcg trans beta-carotene = 24 mcg other provitamin A carotenoids, excluding carotenoids from red palm oil, red palm oil carotenoids = 2 mcg red palm oil carotenoids;

^b As cholecalciferol: 1 mcg cholecalciferol = 40 I.U. of Vitamin D; and

^c As d alpha tocopherol: mg = TE. 1 mg (d alpha tocopherol) = 1,49 I.U. of Vitamin E.

ANNEXURE 4**LIST OF FOODSTUFFS AND INGREDIENTS EXEMPTED FROM A DATE OF DURABILITY**

- Any alcoholic beverage as described in the Liquor Products Act, 1989 (Act 60 of 1989)
- Chewing gum
- Confectionary products consisting of flavoured and/or coloured sugars
- Fresh fruits and vegetables which have not been peeled or cut or similarly treated
- Processed meat products such as biltong and dried sausage which have not been pre-packed
- Honey, except for the date the honey was pre-packed
- Ready-to-eat flour confectionary, provided that the date of manufacture is indicated on the label or in the direct vicinity where the products are displayed
- Sugars
- Unprocessed, unpacked fish, unprocessed, unpacked meat and poultry which have not been pre-packed
- Vinegar.

ANNEXURE 5

EVALUATION OF PROTEIN QUALITY FOR THE PURPOSE OF WHEN A PROTEIN CLAIM IS MADE

1. The reference amino acid pattern* contains (per 1g protein):

Histidine	13,5	mg
Isoleucine	25.0	mg
Leucine	49.0	mg
Lysine	40.0	mg
Methionine plus cystine	20.0	mg
Phenylalanine plus tyrosine	35.00	mg
Threonine	20.50	mg
Tryptophan	5.6	mg
Valine	32.5	mg

*2007 FAO/WHO/UNU suggested pattern of amino acids average requirements for children (1-10 years)

2. Template

Reference amino acid pattern per 1g protein*		Example food <i>Source of information**</i>		Amino acids expressed as % from reference aminoacids
		Analysed amino acids (g) in 100 g edible food/...g.total protein	Conversion to amino acids (g) in 1 gram protein in food	Rounded off to 2 decimal points (0.00)
Histidine (g)	0.0135			
Isoleucine (g)	0.025			
Leucine (g)	0.049			
Lysine (g)	0.04			
Methionine plus cystine (g)	0.02			
Phenylalanine plus tyrosine (g)	0.035			
Threonine (g)	0.0205			
Tryptophan (g)	0.0056			
Valine (g)	0.0325			

*2007 FAO/WHO/UNU suggested pattern of amino acids average requirements for children (1-10 years)

** Source of information

3a. Example 1: Skim milk, fresh (compliant in terms of protein quality)

Reference amino acid pattern per 1g protein*		Skim milk, fresh		Amino acids expressed as % from reference amino acids	
		Information source: MRC Tables Code: 0072(new code 2775)**			
		Analysed amino acids (g) in 100 g edible food/ 3.4g.total protein	Conversion to amino acids (g) in 1 gram protein in food	Rounded off to 2 decimal points (0.00)	
Histidine (g)	0.0135	0.092	0.027058824	200.44	√
Isoleucine (g)	0.025	0.206	0.060588235	242.35	√
Leucine (g)	0.049	0.334	0.098235294	200.48	√
Lysine (g)	0.04	0.27	0.079411765	198.53	√
Methionine plus cystine (g)	0.02	0.118	0.034705882	173.53	√
Phenylalanine plus tyrosine (g)	0.035	0.33	0.097058824	277.31	√
Threonine (g)	0.0205	0.154	0.045294118	220.95	√
Tryptophan (g)	0.0056	0.048	0.014117647	252.10	√
Valine (g)	0.0325	0.228	0.067058824	206.33	√

*2007 FAO/WHO/UNU suggested pattern of amino acids average requirements for children (1-10 years)

**Fatty acid and amino acid composition tables – Supplement to MRC Food Composition Tables (1991)

3b. Example 2: Peanut butter, smooth (non-compliant in terms of protein quality)

Reference amino acid pattern per 1g protein*		Peanut butter, smooth		Amino acids expressed as % from reference amino acids	
		Information source: MRC Tables Code 6509 (new code 3485)**			
		Analysed amino acids (g) in 100 g edible food/ 24.6g.total protein	Conversion to amino acids (g) in 1 gram protein in food	Rounded off to 2 decimal points (0.00)	
Histidine (g)	0.0135	0.622	0.025284553	187.29	√
Isoleucine (g)	0.025	0.865	0.035162602	140.65	√
Leucine (g)	0.049	1.594	0.064796748	132.24	√
Lysine (g)	0.04	0.883	0.035894309	89.74	χ
Methionine plus cystine (g)	0.02	0.302	0.012276423	61.38	χ
Phenylalanine plus tyrosine (g)	0.035	1.275	0.051829268	148.08	√
Threonine (g)	0.0205	0.842	0.034227642	166.96	√
Tryptophan (g)	0.0056	0.239	0.009715447	173.49	√
Valine (g)	0.0325	1.031	0.041910569	128.96	√

*2007 FAO/WHO/UNU suggested pattern of amino acids average requirements for children (1-10 years)

** **Fatty acid and amino acid composition tables – Supplement to MRC Food Composition Tables (1991)

ANNEXURE 6

**THE MANNER OF EXPRESSION OF ENERGY, NUTRIENT OR OTHER SUBSTANCES VALUES,
INCLUDING THE NUTRIENT REFERENCE VALUES, IN THE TABLE WITH NUTRITIONAL
INFORMATION**

Information	Manner of Expression
Energy value	The amount is rounded off to the nearest multiple of 1kJ
Amount of fat	The amount is rounded off to the nearest multiple of 0.1 g (1 decimal place)
Amount of saturated fatty acids	The amount is rounded off to the nearest multiple of 0.1 g (1 decimal place)
Amount of trans fat	The amount is rounded off to the nearest multiple of 0.1 g (1 decimal place)
Amount of polyunsaturated and monounsaturated fatty acids	The amount is rounded off to the nearest multiple of 0.1 g (1 decimal place)
Amount of omega 3 fatty acids	The amount is rounded off to the nearest multiple of 1 mg
Amount of cholesterol	The amount is rounded to the nearest multiple of 1mg
Amount of Sodium	The amount is rounded to the nearest multiple of 1mg
Amount of Carbohydrate	The amount is rounded off to the nearest multiple of 1g
Amount of dietary fibre	The amount is rounded off to the nearest multiple of 0.1g (1 decimal place)
Amount of soluble fibre	The amount is rounded off to the nearest multiple of 0.1g (1 decimal place)
Amount of insoluble fibre	The amount is rounded off to the nearest multiple of 0.1g (1 decimal place)
Amount of sugars	The amount is rounded off to the nearest multiple of 0.1 g (1 decimal place)
Amount of protein	The amount is rounded off to the nearest multiple of 0.1 g (1 decimal place)
Amino acids	The amount is rounded off to the nearest multiple of 0.1 mg (1 decimal place)
Amount of vitamins	The amount is rounded off to the nearest multiple of 0.1mg , 1microgram or 1IU
Amount of minerals	The amount is rounded off to the nearest multiple of 0.1mg or 1microgram
Amount of bioflavonoid or carotenoids	The amount is rounded off to the nearest multiple of 0.1mg or 1microgram
Nutrient reference values (NRVs)	The amount is rounded off to the nearest 1%