

R 1055 of 08 August 2002

FOODSTUFFS, COSMETICS AND DISINFECTANTS ACT, 1972 (ACT No. 54 OF 1972)

REGULATIONS RELATING TO LABELLING AND ADVERTISING OF FOODSTUFFS

The Minister for Health intends, in terms of Section 15 (1) of the Foodstuffs, Cosmetics and Disinfectants Act, 1972 (Act No. 54 of 1972), to make the regulations in the Schedule.

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

SCHEDULE

DEFINITIONS

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

"Address" means an address in the Republic and includes the street or road number, the name of the street or road and the name of the town, village or suburb and, in the case of a farm, the name of the farm and of the magisterial district in which it is situated

"Authorised health authority" means the components of the National Health System assigned with the authority to enforce the provisions of the Act;

"Batch" means a definite quantity of a commodity produced essentially under the same conditions e.g. specific quantities and/or times, production lines, mixes and/or amounts;

"Carbohydrates" means the polyhydroxy aldehydes or ketones and alcohols, their simple derivatives and their polymers having linkages of the acetal type and are classified as sugars, oligosaccharides and polysaccharides as indicated in Annexure6;

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

"Cereal" means a product derived from the fruit of any cultivated grasses of the family *Poaceae*;

"Chilled" means stored at any a temperature ranging from 0 °C to 7 °C, as appropriate for the specific type of product;

"Chocolate confectionary" means any foodstuff which contains chocolate as it is described in relevant regulations made under the Act and which is meant to be consumed as a sweet snack;

"Claim" in relation to a foodstuff or nutrient supplement, means any written, pictorial, visual or other descriptive matter or verbal statement, communication, representation or reference brought to the attention of the

public in any manner including a trade name or brand name and referring to the characteristics of a product, in particular to its nature, identity, nutritional properties, composition, quality, durability, origin or method of manufacture or production;

"Colourant" means any substance described as such in the Regulations Relating to Food Colourants made in terms of the Act;

"Comparative claim" means a comparison of nutrient level(s) and/or energy value of two or more similar foodstuffs (examples: "reduced", "less than", "fewer", "increased", "more than", "light", "lite");

"Compound ingredient" means any ingredient which is itself composed of two or more ingredients;

"Container" means any packaging of foodstuffs for delivery as a single item, whether by completely or partially enclosing the food and includes wrappers; a container may enclose several units or types of packages when such is offered for sale to the consumer or for catering purposes;

"Contaminant" means any substance not intentionally added to foodstuffs, which is present in such foodstuff as a result of the production (including operations carried out in crop cultivation, animal husbandry and veterinary medicine), manufacture, processing, preparation, treatment, packing, packaging, transport or holding of such food or as a result of environmental contamination; the term includes chemicals, insect fragments, rodent hairs and other undesirable extraneous matter;

"Daily intake" in relation to a foodstuff, means the mass, volume or number, as the case may be, and which is recommended by the manufacturer as the amount usually to be taken during one single day, and the said mass, volume or number shall be stated in terms of grams, millilitres, capsules, powders, portions, sachets or tablets, as the case may be;

"Dairy product" means milk or a product obtained or manufactured exclusively or mainly from milk as defined in the Agricultural Products Standards Act, Act 119 of 1990;

"Date marking" means indicating by means of a date the estimated durability of a prepackaged foodstuff as intended by the manufacturer and where durability refers to the period after manufacture during which the product retains its characteristic properties and remains suitable for consumption or the intended purpose:

"Best before" or "best before end" or "best consumed before" means the date indicating the end of the period under any stated storage conditions as specified on the label by the manufacturer during which the product will remain fully marketable, edible and safe and will retain any specific qualities for which tacit or express claims have been made;

"Sell by" means the last date of offer for sale to the consumer after which there remains a reasonable storage period in the home and after which the product is still safe and edible;

"Use by" means the date which signifies the end of the estimated period under any 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;

"Date of manufacturing" means the date on which the food becomes the product as described;

"De flavour" means the intentional removal of the bulk of volatile and nonvolatile natural flavourants from fruit juices or fruit juice concentrates;

"Deionise" means the removal of the bulk of mineral salts from fruit juices or fruit juice concentrates;

"Dietary fibre" means the sum of the analysed values for nonstarch polysaccharides of plant origin as determined by the enzymatic-chemical methods of Englyst and co-workers¹, Annexure 6, plus lignin, resistant starch and fructo-oligosaccharides;

"Dietary supplement" has the same meaning as nutritional supplement;

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

"Drained weight" means the remaining solid part of the foodstuff that is ordinarily used for culinary purpose/consumption after excess liquid has been drained under normal culinary practices;

"Edible ices" means the sweetened product obtained either from an emulsion of fat and protein with the addition of other ingredients and substances or from a mixture of water, sugars and other ingredients and substances which have been treated by freezing and are intended for storage, sale and human consumption in the frozen or partially frozen state;

"Edible offal" means in the case of food, animals other than poultry; blood plasma, brains, cowheels, diaphragm, gut (casings), washed head, kidneys, omentum, pancreas, pluck (oesophagus, trachea, lungs, heart, pericardium, associated lymph nodes, pillars of the diaphragm and liver or part thereof without the gallbladder), rind and skin, spleen, tail, thymus, tongue, cleaned tripe, trotters and udder in the case of a heifer; in the case of poultry "edible offal" means giblets (heart, clean, stripped gizzard and the liver without the gallbladder);

"Enhanced function claim" means claims which concern specific beneficial effects of nutrients and non-nutrients on physiological and psychological functions or biological activities beyond their established role in growth, development and other normal functions of the body and relate to a positive contribution to health or to a condition linked to health or to the improvement of a function or to modifying or preserving health but exclude claims that make reference to any pathology are not permitted;

"Enrichment" means the addition of one or more nutrient(s) to a food whether or not it is normally contained in the food, with the sole purpose of adding nutritional value to the food;

"Fat" means the total amount of chemically extractable fat, including phospholipids, determined according to the appropriate extraction method for animal and plant fats respectively as described in Annexure 4;

"Fibre" has the same meaning as dietary fibre;

"Flavourant" means a natural, nature-identical or artificial flavouring substance or preparation in concentrated form with or without solvents or carriers and which is not intended to be consumed directly, but which is used in foodstuffs to impart a particular taste or aroma;

"Flavour enhancer" means a substance 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) and having as its characteristic ingredients ground cereal and sweeteners, whether with or without flavourants, raising agents, food additives, edible fats and oils, eggs, milk, cocoa, fruit and nuts, and includes uncooked pastry casings but not pizzas, samoosas, sausage rolls and meat pies;

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

"Foods for special medical purposes" means the category of foods for special dietary uses which are specially processed or formulated and presented for the dietary management of patients and may be used only under the supervision of a registered dietitian; they are intended for the exclusive or partial feeding of patients with limited or impaired capacity to take, digest, absorb or metabolise ordinary foodstuffs or certain nutrients contained therein, or who have other medically determined nutrient requirements, whose dietary management cannot be achieved only by modification of the normal diet, by other foods for special dietary uses, or by a combination of the two;

"Foodstuffs for catering purposes" means those foodstuffs for use in the hospitality services (restaurants, canteens, hotels, et cetera), schools, hospitals and similar institutions;

"Food supplement" has the same meaning as nutritional supplement;

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

"Fortification" means the addition of one or more nutrient(s) to a food whether or not it is normally contained in the food for the purpose of preventing or correcting a demonstrated deficiency of one or more nutrients in the population or specific population group(s) by the relevant authority;

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

"Gluten" means the protein fraction from wheat, rye, barley, oats or their crossbred varieties and derivatives thereof, to which some persons are intolerant and that is insoluble in water and 0,5 M NaCl and of which the method of analysis is prescribed in Annexure 8;

"Glycemic index (GI)" means the blood glucose responses of carbohydrate foods and is defined as the incremental area under the blood glucose response curve of a 50 g carbohydrate portion of a test food expressed as a percentage of the response to the same amount of carbohydrate from pure glucose taken by the same subject;

"Glycemic carbohydrate" means carbohydrate available for metabolism and is the summation of the analytical values of mono- di- and oligosaccharides, starch and glycogen but excludes fructo-oligosaccharides and other non-digestible oligosaccharides and resistant starch;

"Health claim" means any representation that states, suggests or implies that a relationship exists between a food or a constituent of that food and health, and includes nutrient function claims, enhanced nutrient function claims and reduction of disease risk claims;

"Honey" means 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 honey bees collect, transform by combining with substances of their own, deposit, dehydrate, store and leave in the honey comb to ripen and mature, and include extracted, pressed or drained honey, honey in liquid or crystalline state or a mixture of the two, comb honey and honey with comb;

"Ingredient" means any substance, including any food additive and any constituent of a compound ingredient, which is used in the manufacture or preparation of a foodstuff and which is present in the final product although possibly in a modified form;

"Irradiation" means deliberate exposure to ionising radiation;

"Label" means any tag, brand, mark, pictorial or other descriptive matter, written, printed, stencilled, marked, embossed or impressed upon, or attached to a container of a foodstuff;

"Labelling" means any written, printed or graphic matter that is present on the label, accompanies the foodstuff, or is displayed near the foodstuff, including that for the purpose of promoting its sale or disposal;

"Lipid" has the same meaning as fat;

"Liquid medium" means water, or aqueous solutions of sugar or salt, or fruit and vegetable juices in canned fruits and vegetables only, or spirit such as brandy in the case of typical traditional South African dishes, or vinegar, or oil, either singly or in combination.

"Main ingredient" means the ingredient(s) in a foodstuff that has the greatest mass;

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

"Meat" means the clean, sound and wholesome skeletal musculature of any animal species, including game or bird species, used as a foodstuff, together with any connective tissue, bone, fat and cartilage that are naturally associated with the skeletal musculature of the dressed carcass and head, excluding the musculature of the lips, snout, scalp and ears and other edible

offal, and wherever meat is used as a foodstuff or an ingredient in a foodstuff, the specie(s) shall be stated;

"Name" means a word or words giving a true description of the nature of the food product concerned, sufficiently precise to avoid misleading the consumer and to enable such product to be distinguished from products with which it could be confused with and where applicable, includes a description of the use of such a product: Provided that the name of a foodstuff may consist of a name or a description, or of a name and a description; 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;

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

"Nutrient content claim" means a claim that describes the level of a nutrient contained in a foodstuff;

"Nutrient function claim" means a claim that describes the physiological role of the nutrient in growth, development and normal functions of the body;

"Nutritional supplement" means products containing any natural occurring molecules and molecules synthesized by chemical or biological means or botanical extracts, derivatives, concentrates, enzymes, coenzymes, co-factors, naturally occurring hormones and precursors, animal source substances or metabolites intended to be consumed for its nutritional value in the maintenance and improvement of human health and includes but is not limited to vitamins, minerals, co-factors, essential fatty acids, amino acids, enzymes, animal or botanical extracts and derivatives, probiotics and non-nutrient dietary phytoprotectants in a dosage form such as capsules, tablets, liquids or powders;

"Portion" has the same meaning as serving;

"Poultry" means any chicken, duck, goose, guineafowl, partridge, pheasant, pigeon, quail, turkey, muscovy and the chicks thereof;

"Prebiotics" means food components (mainly fructo-oligosaccharides from chicory, onion, garlic, asparagus, Jerusalem artichoke and soya beans) that escape digestion by normal human digestive enzymes and reach the large intestine where they may create conditions that will promote the growth of indigenous, colonic bacteria and are considered to be beneficial;

"Prepacked", in relation to a foodstuff, means the packaging of a foodstuff in packaging material before being sold, so that such foodstuff cannot be altered without opening or changing the packaging and is ready for sale to the consumer or to a catering establishment, but does not include individually 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;

"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;

"Probiotic" mean live micro-organisms which, when consumed in adequate amounts as part of food, improve the intestinal microbial balance and positively affect the health and functioning of the host's intestinal tract;

"Probiotic micro-organisms" are selected strains from the genera, *Lactobacillus* and *Bifidobacterium* mainly, for which no drug or antibiotic resistance has been reported in independent studies published in credible, acceptable, peer-reviewed scientific journals;

"Probiotic properties" means that the probiotic microorganisms are able to survive passage through the digestive tract without being destroyed by the action of hydrochloric acid, bile and pancreatic enzymes and that they can adhere to the intestinal epithelium, colonize the intestinal tract and are capable of proliferating in the gut, where they produce anti-microbial substances which control and kill (reduce????) pathogenic bacteria, viruses, yeasts and fungi.

"Processed" means that a foodstuff has been subjected to any process which alters its original state, excluding harvesting or slaughtering and preparation by cleaning; decapitation; defeathering; de-hairing; evisceration; portioning; removal of fish scales, blemishes, fruit and vegetable foliage or shells; the fermentation of tea, sectioning; mincing; deboning; removal of the skin of fruits, vegetables, and animals; washing; and chilling, freezing and irradiation;

"Prolamins" means the fraction from gluten that can be extracted by 40 to 70 % of ethanol; the prolamin from wheat is gliadin, from rye is secalin, from barley hordein and from oats avenin and of which the method of analysis is described in Annexure 8;

"Protein" means the protein content calculated using the formula: protein = total Kjeldahl nitrogen x the appropriate factor as listed in Annexure 4;

"Reduction of disease risk claim" means a claim that relates the consumption of a food or food constituent, in the context of the total diet, to the reduced risk of developing a disease or health-related condition and consist of two parts, namely information on an accepted diet-health relationship as well as information on the composition of the product relevant to the relationship;

"RDA" (recommended dietary allowance) in relation to a nutrient, means the number of units of that nutrient indicated in Annexure 3;

"Resistant starch" means starch not digested by amylase and starch degradation products not absorbed in the small intestine of healthy humans; as measured by the adapted method of Champ & co-workers, 1997⁴ (Annexure 6);

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

"Serving", in relation to a foodstuff, means the mass, volume or number, as the case may be, and which is recommended by the manufacturer as the amount to be taken on its own or as part of a single meal and the said mass, volume or number shall be stated in terms of grams, millilitres, capsules,

powders, portions, sachets or tablets, as the case may be; and "serving" does not include "daily intake";

"Spirits" has the meaning assigned to it in the Liquor Products Act, Act 60 of 1989;

"Starch" means edible starch as listed in Annexure 6 and excludes chemical modified starches;

"Strict vegetarian diet" means ingredients of multicellular plant, fungal, algae and bacterial origin are included in the vegetarian diet, but all ingredients and additives derived from animal origin are excluded; the word "Vegan diet" may be used instead of "Strict vegetarian diet";

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

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

"Total carbohydrates" means the sum of the individualised carbohydrates as indicated in Annex 6, when analysed;

"Typical values" mean the real, typical, representative, nutritional values of a foodstuff when sampled according to the criteria prescribed by the laboratory which has the required accreditation by the South African National Accreditation Services (SANAS) or other recognised international accreditation authority and analyzed according to the methods described in these regulations;

"Vegetarian" means ingredients of multicellular plant, fungal, algae and bacterial origin to the exclusion of all animal flesh and products obtained from the slaughter of an animal, such as gelatin, animal fats, caviar, roe, et cetera, and may include honey, dairy foods produced without any slaughter by-products, and/or unfertilised eggs obtained from live animals.

GENERAL PROVISIONS

No person or company shall manufacture, import, pack, display, supply or distribute any prepackaged foodstuff for sale to the consumer or for catering purposes, unless the foodstuff or nutritional supplement or its container, or the bulk stock from which it is taken, is labelled in accordance with these regulations or advertise a foodstuff in an advertisement which contains any information, claim, reference or declaration not permitted on the label according to these regulations.

An unpacked foodstuff that is displayed for sale must have the particulars with which it is required to be labelled in terms of these regulations appearing in its immediate proximity.

A nutritional claim, including pre- and probiotic claims, that is made on the label must be accompanied by the appropriate nutritional information that is real, typical values as determined by chemical or microbiological analysis as described in these regulations; in the case of voluntary nutritional information where no nutritional claim is made, the information from the national food composition tables may be used.

Information required to appear on any label shall be-

- a) in at least one official language of the Republic of South Africa;
- b) clearly visible, easily legible and indelible and the labels of pre packaged foodstuffs shall be applied in such a manner that they are not separated from the container;
- c) in letters not less than 1,00 mm in height for the smallest letter: Provided that in the case of returnable soft drink bottles with embossed labels, the letters on the cap shall be a minimum of 0,75 mm for the smallest letter in height.

The name of a foodstuff shall be at least 4 mm in height for the smallest letter and words which qualify the name of such foodstuff or which are an essential part of the description thereof shall be in prominent, distinctive, easily legible letters, not less than 3mm in height for the smallest letter.

The listing of ingredients and proportions of ingredients shall be in type of uniform size and prominence throughout and the initial letter of a word may be larger than the letters of the rest of the word.

The label of a foodstuff shall contain -

- the name of the foodstuff;
- the name and address of the manufacturer, packer, seller, importer, or a person on whose behalf the foodstuff is prepacked;
- instructions for use where it would be difficult to make appropriate use of such foodstuff without such instructions;
- the list of ingredients required by regulations 20, 21, 22, 23 and 24, where applicable; and
- special storage conditions, where applicable, in lettering not less than 3,0 mm in height for capital (upper-case) letters.

The net contents of a foodstuff shall be declared in the metric system in accordance with the requirements of the Trade Metrology Act, 1963 (Act No. 62 of 1963).

A label with regard to nutritional information of a food packed in a liquid medium shall indicate whether the nutritional information applies to the drained weight or to the net contents of the container.

Country of origin

A country of origin of a foodstuff shall be declared on the label and where applicable, to the specific requirement according to the provisions of the Agricultural Products standards Act, 1990 (Act 119 of 1990).

Batch identification

A container of a foodstuff shall be permanently marked in such a way that the producing factory or factory where a final product is produced as well as the batch is easily identifiable.

Date marking

An estimated date of durability shall-

be indicated by the manufacturer on the label or container, except for the foodstuffs identified in Annexure 5;

not be removed or altered; and

be either a Best-before date or a Sell-by date or a Use-by date.

A foodstuff may not be sold after the sell-by date has expired.

Imported foodstuffs shall upon entry into South Africa have at least 50% of the remaining shelf life left, calculated from the date of manufacture.

Prohibited statements

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

Words, pictorial representations, marks or descriptions which create an impression that such a foodstuff complies with or has been manufactured in accordance with recommendations by -

medical or dental practitioners, psychologists or other persons registered in terms of the Health Professions Act, 1974 (Act No. 56 of 1974);

organisations [excluding religious organisations and the South African Bureau of Standards (SABS)], associations and foundations unless the label of the foodstuff bears an indication to the effect that the foodstuff is suitable for use or manufactured in accordance with the directions of the organisation, association or foundation;

the words "health" or "healthy" or other words or symbols implying that the foodstuff has health-giving properties, or "wholesome" or "nutritious" as part of the name or description of the foodstuff;

a claim that the foodstuff is suitable for diabetics;

subject to the provisions of the Medicines and Related Substances Control Act, 1965 (Act No. 101 of 1965), the words "heal" or "cure" or "restorative" or any other medicinal, or therapeutic claim except those claims permitted in terms of these regulations; and

a claim that a foodstuff is free from a particular substance if all other foodstuffs in the same class or category are free from such

substance, unless the claim complies with regulation 60, and the claim is worded as follows: "A (name the nutrient) free food" or "a naturally (name the nutrient) free food".

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

The label of a foodstuff packaged in a pressurised container shall contain the following statement in capital (upper-case) letters of not less than 3,0 mm in height

"WARNING - PRESSURISED - DO NOT PUNCTURE OR STORE ABOVE 50⁰ C".

SPECIAL PROVISIONS

Seasonal ingredients

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 not 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

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

Subject to regulation 32, water shall be declared in the list of ingredients except when the water forms part of an ingredient such as brine, syrup or broth used in a compound foodstuff and is declared as such in the list of ingredients.

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

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 -

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

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.

The following ingredients may be shown in any order at the end of the list of ingredients:

herbs or spices not exceeding 2% by mass either singly or in combination;

vitamins and their salts or derivatives except in the case of nutritional supplements;

minerals and their salts except in the case of nutritional supplements; and

food additives.

Names of ingredients

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

be the name used for such ingredient when independently sold as a foodstuff; and

indicate microbiological cultures as "microbiological culture" or "mixture of microbiological cultures" or the scientific name(s) of the microbiological agent(s) or starter culture.

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 may be indicated on a label 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.

Any additive, except those referred to in Annexure 1, shall be indicated on a label by its common chemical name except in the case of-

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.

Names such as "salt" or "sodium chloride" and "vinegar" or "acetic acid" or "brine" or "syrup" or "broth" may be used in the list of ingredients.

Quantitative Ingredient Declarations (QUID)

Where the labelling places special emphasis on the presence of one or more valuable and/or characterizing ingredients, or where the description has the same effect, the ingoing percentage of this ingredient at the time of manufacture, shall be declared according to the guidelines in Annexure 9, next to, or in the name of the foodstuff or claim in which the ingredient is mentioned, emphasised or implied, or in the list of ingredients.

Compound ingredients

Where a compound ingredient is used in the preparation of a foodstuff the names of the ingredients of the compound ingredient shall be listed in close proximity to the compound ingredient on the label of any foodstuff instead of or in addition to the name of the compound ingredient.

Where a compound ingredient for which a name has been established in a Codex Alimentarius Standard or in South African legislation, constitutes less than 5% of the

food, the ingredients, excluding food additives which serve a technological function in the finished product and those ingredients which are known to cause allergic or intolerance reactions and specified in regulations 47, 48, 49, 50 and 51 must be listed.

Added Water

Water which is added as an ingredient of a foodstuff during the manufacturing process, and which exceeds 5% of the finished product shall be declared in the list of ingredients; when water forms part of an ingredient such as brine, syrup or broth and is used in a compound foodstuff, it should be declared as such.

Origin of fats and oils

The class name or origin of all refined fats and oils, singly or in combination, which have been used in a foodstuff, shall be identified in the list of ingredients with either the term "vegetable" or "animal" or "marine", as the case may be, and qualified by the term "hydrogenated" or "partially hydrogenated", or "interesterification" or "partially interesterification" or a combination of the aforementioned.

Bulk stock

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

Small packages

The packaging of a prepacked foodstuff that has a total visible exterior area of less than 2000mm² is exempted from the requirements of labelling, except for the declaration of the name of the foodstuff.

Food additives

The label of any prepacked food additive or blend of food additives shall-

bear the words "for use in foodstuff" or "for use in food" or "food additive" or "blend of food additives";

in the case of sulphur dioxide compounds, state the maximum and minimum percentage of sulphur dioxide the contents will yield;

state its common chemical name, where applicable;

in the case of a food colourant or a blend of food colourants, bear the words "food colourant" or "food colouring" or "food colour" and common chemical name or names as well as the Colour Index Number(s); and

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

Frozen and chilled food products

The words-

"RAW - KEEP FROZEN" or "UNCOOKED - KEEP FROZEN", as the case may be, shall appear in capital (upper-case) letters not less than 3,0 mm in height on the main panel of the label of every package containing uncooked food products that must be kept frozen.

"COOKED - KEEP FROZEN" or "PARTLY COOKED - KEEP FROZEN - DO NOT REFREEZE WHEN THAWED", as the case may be, shall appear in capital (upper-case) letters not less than 3,0mm in height on the main panel of the label of every package containing cooked or partly cooked food products that must be kept frozen.

"KEEP REFRIGERATED" or "KEEP FROZEN", shall appear on the main panel of the label in capital (upper-case) letters not less than 3,0mm in height in respect of foodstuffs that rely on chilling or freezing conditions for preservation..

"PREVIOUSLY FROZEN - DO NOT REFREEZE", in the case of cooked or partly cooked frozen food products which have been thawed for subsequent sale, must appear legibly in capital (upper-case) letters not less than 3,0mm in height in the immediate proximity to such products and in clear view of the customer.

"FRESH" in respect of frozen food products that are thawed for subsequent sale is not permitted.

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

Pictorial representation

Prepackaged foodstuffs must not be presented on any label or in any advertising in a manner that is false, misleading or deceptive or is likely to create an erroneous impression regarding its character, origin, composition, quality, nutritive value or other properties in any respect.

Indication of food additives and special ingredients

40. Any foodstuff that is not required to have a list of ingredients and which contains any food additive which was added to or used in the foodstuff to perform the function of an antioxidant, sweetener, colourant, curing agent, flavour enhancer, flavourant or preservative, shall be labelled with an indication of every such food additive that is contained in the foodstuff.

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.

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

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

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

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

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

The following preservatives as well as tartazine and added glutamates must be indicated on the label by the common chemical name in the list of ingredients:

monosodium glutamate (MSG);

L-glutamic acid;

sodium hydrogen L-glutamate;

potassium hydrogen L-glutamate;

mono potassium glutamate;

calcium dihydrogen di-L-glutamate;

calcium glutamate;

Monoammonium glutamate; and

Magnesium diglutamate.

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

I	II
Sulphur dioxide or related compounds such as sodium sulphite, sodium hydrogen sulphite (sodium bisulphite), sodium metabisulphite, potassium metabisulphite, calcium sulphite, calcium hydrogen sulphite and (calcium bisulphite)	10 mg per kilogram foodstuff as packed or ready to eat
Benzoic acid or benzoates in any form	1 mg per kilogram foodstuff as packed or ready to eat
Butylated hydroxyanisole (BHA), Butylated hydroxytoluene (BHT)	1 mg per kilogram foodstuff as packed or ready to eat
Tertiary butylhydroquinone (TBHQ) as calculated from the level of addition to the food having regard to the presence of these	

compounds in ingredients and thereby carried over into the final product

Where an ingredient derived from egg, milk, Crustacea and Molluscs, fish, peanuts, soybeans, or tree nuts or the products of these is added to a foodstuff, the word "egg", "milk", "Crustacea", "Molluscs", "fish", "peanuts", "soybeans" or "tree nuts", as the case may be, shall be indicated in parenthesis after the name of such ingredient in the list of ingredients, or such words should be in the list of ingredients.

Where an ingredient is derived from wheat of all *Triticum* species such as durum wheat, kamut, rye, barley, oats, spelt or their crossbred varieties or the products thereof is added to a foodstuff the claim "gluten-free" is not be permitted unless the endproduct contains no prolamins and the gluten level does not exceed 200 parts per million.

Allergens which appear in regulation 45 which are hidden in a name of an ingredient and which some examples are indicated in Annexure 8, shall be indicated in parenthesis after the name of such ingredient in the list of ingredients, or alternatively, the word "egg", "milk", "Crustacea", "Molluscs", "fish", "peanuts", "soybeans", "tree nuts" should form part of the name of the ingredient e.g. egg albumin.

Where a foodstuff which contains an allergen and a foodstuff which does not contain an allergen are manufactured on the same production line, and the possibility of cross contamination does exist, the warning: "May contain traces of.... (name the allergen)", shall be indicated on the label.

No claim shall be made that a foodstuff, both single ingredient foodstuffs and compound foodstuffs, is "hypoallergenic" or "nonallergenic" 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 the Enzyme-Linked Immunosorbent Assay (ELISA) test) suitable for the specific allergen.

Misleading descriptions

(a) The "natural" or "nature's" or any other word suggesting that a processed product or its ingredients or an ingredient thereof are totally unprocessed, shall not be used on the label of a foodstuff in the following instances except for honey as described in the Codex Alimentarius Standard, CODEX STAN 12 – 1981, Rev. 1 (1987) and any subsequent revisions and the Agricultural Product Standards Act, 1990 (Act No. 119 of 1990),

as part of the name in relation to a processed foodstuff and shall not be used to qualify the name or trade name thereof;

to describe a foodstuff which contains any ingredient not present in the natural form of such foodstuff or if any ingredient present in the natural form thereof has been removed therefrom; or

to describe the ingredients of a mixed, compounded or blended foodstuff, unless all the ingredients occurred naturally or have not been processed.

(b) The words "pure" or "100% pure" may only be used:

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

to refer to a single ingredient food to which no additives or nutrients have been added, provided in cases where extra processing was used, the process must be described (pure refined honey or purified water); and

subject to subparagraphs (i) and (ii), to describe a single ingredient of a compound food.

Claims relating to foodstuffs for particular nutritional uses

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

a class of persons whose digestive process or metabolism is disturbed;
or

a class of persons who, by reason of their special physiological condition, obtain special benefit from the controlled consumption of certain substances,

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

If a foodstuff has been specially made for a class of persons to which such claim refers, in addition to the requirements referred to in regulation 53-

the name of the foodstuff shall include or be accompanied by an indication of the foodstuff's particular characteristics;

the foodstuff shall be labelled with the prescribed "nutritional information declaration" as described in Annexure 2, as well as nutritional information relevant to the claim; and

when sold to the ultimate consumer, the foodstuff shall be prepacked and completely enclosed by its packaging.

Nutritive value claims

Unless otherwise provided in these regulations no label of any foodstuff shall contain any claim regarding the nutritive value of such foodstuff unless -

in the case of a claim in respect of nutrients and/or energy specified in such claim, the label shall also contain the following in the following order:

the heading "Nutrition information";

an indication of the mass or volume of a serving;

the amounts of the nutrients, where a claim is made, present in a serving as well as per 100 g (solids) or 100 ml (liquids) ready-to-eat or as packed, whatever is appropriate;

the prescribed nutritional information declaration as described in Annexure 2, present in a serving as well as per 100 g (solids) or 100 ml (liquids) as packed or after preparation, whatever is appropriate;

an indication of what percentage of the RDA is represented in a ready-to-eat serving or when packed or after preparation, whatever is appropriate, by the nutrients in respect of which the claim is made; Provided that no claim shall be made for a nutrient present in an amount less than 15% of the RDA; and

a statement indicating the preparation/cooking method the nutritional information refers to directly beneath the table with nutritional information.

in the case of a claim that a foodstuff provides complete or balanced nutrition, the claim is only permitted for foods for special medical purposes, and formulas specially formulated for use in weight management programs, but not for individual, ordinary foodstuffs; the label shall also contain the following in the following order:

the heading "Nutrition information";

an indication of the mass or volume of a serving;

the amounts of all the nutrients present in a serving as well as per 100 g (solids) or 100 ml (liquids) ready-to-eat or as packed, whatever is appropriate: Provided the prescribed nutritional information declaration as referred to in Annexure 2 as well as all the vitamins and minerals listed in Annexure 3, is indicated on the label; and

an indication of what percentage of the RDA is represented in a ready-to-eat serving or when packed, whatever is appropriate, for the nutrients listed in Annexure 3: Provided that no claim that a foodstuff provides complete or balanced nutrition, is made unless all the nutrients listed in Annexure 3 exceeds 15% of the RDA and neither shall enrichment of a foodstuff with any nutrient listed in Annexure 3 exceed 100% of the RDA;

in the case of a claim that a foodstuff is fortified—

the foodstuff shall be labelled with the prescribed "nutritional information declaration" as described in Annexure 2 per serving and per 100 g/ml, as well as nutritional information relevant to the claim.

1. A claim regarding the nutrient and/or energy content of a foodstuff shall not refer to any foodstuff in the package: Provided that in the case of a foodstuff which is an adjunct to the foodstuff in the package but is not itself in the package, such claims may be made and that it is clearly indicated that such claim does not refer to the foodstuff in the package and all nutrition information shall be given in respect of the foodstuff actually in the package.

2. If a nutrition claim is made in the advertising of a foodstuff, the foodstuff when sold prepacked shall also be labelled with the said statement.
3. In the case where nutritional information is provided, a food packed in a liquid medium, shall indicate whether the nutritional information applies to the drained weight or to the net contents of the container: For the purpose of this regulation, "liquid medium" means water, or aqueous solutions of sugar or salt, or fruit and vegetable juices in canned fruits and vegetables only, or spirit such as brandy in the case of typical traditional South African dishes, or vinegar, or oil, either singly or in combination.
4. For the purposes of nutrition labelling the standard Recommended Dietary Allowance (RDA) shall be as indicated in Annexure 3.

Nutrient content claims

1. (1) No claim that describes the level of a nutrient contained in a foodstuff and a nutritional supplement 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 1 for that claim shall apply.

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

(4) The foodstuff shall be labelled with the prescribed nutritional information declaration referred to in Annexure 2, as well as nutritional information relevant to the claim.

(5) In the case where a vitamin or mineral compound is added to a foodstuff, an indication of the equivalent amount of the elemental vitamin or mineral shall be expressed after the name of the vitamin or mineral compound, in parenthesis, in the table with nutritional information.

(6) In the case where nutritional information is provided, the label of a food packed in a liquid medium, shall indicate whether the nutritional information applies to the drained weight or to the netto contents of the container.

(7) In the following cases, where 2 or more conditions are stated, a claim must comply with all the conditions stated:

- Low saturated fat
- Virtually free of cholesterol or cholesterol free
- Source of fibre
- High fibre
- Source of protein
- High protein
- Source of vitamins and minerals
- High in vitamins and minerals

(8) Where a claim is made for fibre (source or high), both the analytical values for soluble and insoluble fibre contents shall be indicated in the table with nutritional information.

(9) For the purpose of the conditions for nutrient content claims, foods such as soups (excluding broths and bouillons), custard, sauces (excluding marinades), chutney and yoghurt (excluding drinking yoghurt) shall be considered solids.

TABLE 1: CONDITIONS FOR NUTRIENT CONTENT CLAIMS

COMPONENT	CLAIM	CONDITIONS
A		NOT MORE THAN
Energy	Low	170 kJ per 100 g (solids) 80 kJ per 100 ml (liquids)
Fat Low	Virtually free or free	3 g per 100 g (solids) 1,5 g per 100 ml (liquids) 0,5 g per 100 g/ml
Saturated fat	Low	1,00 g per 100 g (solids) 0,75 g per 100 ml (liquids) and 0,5 g trans fatty acids per 100 g and 10% **of combined energy value for saturated fat and trans fatty acids
	Virtually free or free	0,1 g per 100 g (solids) 0,1 g per 100 ml (liquids)
Trans fatty acids	Virtually free or free	0,5 g per 100 g (solids) 0,5 g per 100 ml (liquids)
Cholesterol	Low	20 mg per 100 g (solids) 10 mg per 100 ml (liquids) 5 mg per 100 g (solids) 5 mg per 100 ml (liquids) and for both claims, less than: 2,0 g saturated fat and trans fatty acids combined per 100 g (solids) or
	Virtually free or free	0,75 g saturated fat per 100 ml (liquids) and 10% ** of energy of saturated fat
Sugars	Virtually, free or free	0,5 g per 100 g/ml
Sodium	Low	120 mg Na per 100 g (305 NaCl)
	Very low	40 mg per 100 g
	Virtually free or free	5 mg per 100 g

** percentage expressed per total energy of end product

TABLE 1: CONDITIONS FOR NUTRIENT CONTENT CLAIMS

COMPONENT	CLAIM	CONDITIONS
B.		NOT LESS THAN
Energy	Source High	80 kJ per 100 ml 250 kJ per 100 ml
Carbohydrate	High	13 g per 100 g or 6,5 g per 100 ml and 6,5 g per 418 kJ
Fibre	Source	2,5 g per 100 g and 1,5 g per 418 kJ
	High	5 g per 100 g and

		3 g per 418 kJ
Protein	Source	5 g per 100 g (solids) 2,5 g per 100 ml (liquids) and 2,5 g per 418 kJ
	High	10 g per 100 g (solids) 5 g per 100 ml (liquids) and 5 g per 418 kJ
Vitamins and Minerals	Source	15% of RDA (solids) per serving 7,5% of RDA (liquids) per serving and 5% of RDA per 418 kJ
	High	Twice the value of source

Protein claims

1. 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 of regulation 60(1) are complied with and that the foodstuff provides protein with a protein digestibility corrected amino acid score (PDCAAS) of not less than 90. The prescribed method for the determination of the PDCAAS score is listed in Annexure 4;
 - b. in addition to the requirements referred to in paragraph (a) and (c) and regulations 47, 48, 49, 50 and 51, in the case of foodstuffs intended for persons under four years of age, the sources of protein shall be clearly indicated;
 - c. if a protein claim is made in the labelling of a foodstuff, the foodstuff shall be labelled with a statement of the protein content in gram per 100 g or 100 ml and per quantified serving of the foodstuff, as well as the PDCAAS value of the protein in the table with nutritional information.

Lipid claims

1. No claim shall be made on the label of a foodstuff relating to polyunsaturated fatty acids in such foodstuff unless the following requirements are complied with:
 - a. at least 40 % by mass of the fatty acids present shall be polyunsaturated and not more than 20 % by mass of the fatty acids may be saturated;
 - b. the foodstuff shall be labelled with a declaration, expressed in grams per 100 g or per 100 ml of the foodstuff, as appropriate, stating -
 - i. the total amount of fat or oil;
 - ii. the minimum amount of polyunsaturated fatty acids; and
 - iii. the maximum amount of saturated fatty acids, giving each part of the declaration equal prominence.

Sugar claims

1. The claim "no sugar added" or "no added sugar" or "sugar free" or other words with a similar meaning shall not be made on the label of a foodstuff that contains mono- and disaccharides and sugar alcohols, unless it falls in the category of a low Glycemic Index (GI), and the GI category is stated in the prescribed manner according to Regulation 64.

Glycemic Index Category claims

1. The glycemic index category claim shall, if used, be the category as determined according to the method described in Annexure 10 and does not include any method whereby a glycemic index value is calculated to determine its category and -
 - i. may only be used for foodstuffs with a total glycemic carbohydrate content of 40% or more of the total energy value of the foodstuff; and
 - ii. may, if used, only be indicated as low, intermediate or high Glycemic Index or low, intermediate or high GI, in the table with nutritional information or when used as part of a logo, provided the Glycemic Index category corresponds with the conditions described hereunder:

CONDITIONS FOR GLYCEMIC INDEX CATEGORY CLAIMS

GI CATEGORY CLAIM	CONDITION
Low GI	GI Value: 0 to 55
Intermediate GI	GI value: 56 to 69
High GI	GI value: 70 and more

Comparative claims

1. No claim which compares the nutrient level(s) and/or energy value of two or more similar foodstuffs (examples: "reduced", "less than", "fewer", "increased", "more than", "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 should be different versions of the same category foodstuffs;
 - b. the foodstuffs being compared shall be clearly identified; a statement of the amount of difference in the energy value or nutrient content, expressed as a percentage, and the identity of the foodstuff(s) to which the foodstuff is being compared, shall appear in close proximity to the comparative claim;
 - c. the comparison shall be based on a relative difference of at least 25% in the energy value or nutrient content of an equivalent mass or volume;
 - d. the foodstuff shall be labelled with the prescribed nutritional information declaration referred to in Annexure 2, as well as nutritional information relevant to the claim;
 - e. the foodstuff shall have the same organoleptic properties as the foodstuff it is being compared with.

HEALTH CLAIMS

Nutrient function claims

1. Nutrient function claims for which the efficacy-and functionality of the nutrient or ingredient has been documented in scientific literature will be permitted.

Enhanced function claims

1. Enhanced function claims for which the efficacy-and functionality of the nutrient, non-nutrient or ingredient has been proven in a specific foodstuff and published in peer-reviewed clinical studies and which has premarket approval from the Director-General of Health will be permitted.

Reduction of disease risk claims

1. The following reduction of disease risk claims that link the consumption of a food or a food constituent, in the context of the total diet, to the reduced risk of developing a disease or a health related condition, will be permitted provided the conditions set out in paragraphs (a), (b), (c), (d) and Table 2 are met:
 - Calcium and osteoporosis;
 - Dietary saturated fat and cholesterol and the risk of coronary heart disease;
 - Sodium and hypertension;
 - Fibre containing grain products, fruit and vegetables and cancer;
 - Fruits, vegetables and grain products that contain fibre, particularly soluble fibre, and the risk of coronary heart disease;
 - Fruits and vegetables and cancer;
 - Folate and neural tube defects, heart disease and cancer;
 - Oats and coronary heart disease;
 - Sugar alcohols and dental caries;
 - Psyllium fibre and coronary heart disease;
 - Whole grains and coronary heart disease and cancer;
 - Soy protein and heart disease;
 - Plant sterols and plant stanol esters and coronary heart disease
 - a. The foodstuff must comply with the characteristics as specified in column I of Table 2.
 - b. (i) The wording of the reduction of disease risk claim in column III of Table 2 may not be added to, omitted, reduced, or altered in a way which will result in a change of meaning or which will result in a change of emphasis.
(ii) No health claim may attribute any degree of a disease risk reduction to specific dietary guidelines.
 - c. The label shall also contain the following nutritional information in this order:
 - i. The heading "Nutrition information";
 - ii. an indication of the mass or volume of a single serving;
 - iii. the foodstuff shall be labelled with the prescribed "nutritional information declaration" as described in Annexure 2 per serving and per 100 g/ml; and
 - iv. the total amount of the nutritional information relevant to the claim as specified in column I under the heading "Food Characteristics" of Table 2 present in a single serving and per 100 g/ml, and an indication of what percentage of the RDA each nutrient represent per single serving and per 100 g/ml.

- a. No health claim shall be made on a label or in an advertisement of a foodstuff unless the characteristics of the foodstuff, as specified in column I of Table 2, comply with the conditions set out in regulation 60 (Parts A and B), where applicable.

TABLE 2: REDUCTION OF DISEASE RISK CLAIMS

I	II
FOOD CHARACTERISTICS	PERMITTED WORDING OF CLAIM
Calcium and osteoporosis "High" in calcium; Supplements should disintegrate and dissolve easily; Phosphorus content may not exceed calcium content	Regular exercise and a healthy diet with enough calcium may help susceptible individuals maintain good bone health and may reduce their risk of osteoporosis later in life
Sodium and hypertension Low sodium	Diets low in sodium may reduce the risk of high blood pressure, a disease associated with many risk factors, in some individuals
Dietary saturated fat and cholesterol and the risk of coronary heart disease	
Low saturated fat; Low cholesterol and low total fat	While many factors affect heart disease, diets low in total fat, saturated fat and cholesterol may reduce the risk of heart disease
Fibre containing grain products, fruit and vegetables and cancer	
Grain products, fruits or vegetables that are a source of dietary fibre (without enrichment) trans fatty; acid free and with a total fat profile in line with the South African prudent dietary goals	Low fat diets, rich in fibre- containing grain products, fruits and vegetables may reduce the risk of some types of cancer, a disease associated with many factors
Fruits, vegetables and grain products that contain fibre, particularly soluble fibre, and the risk of coronary heart disease	
Fruit, vegetable or grain products that are a source of soluble dietary fibre; low saturated fat; low cholesterol, trans fatty acid free and with a total fat profile in line with the South African prudent dietary goals	Diets low in saturated fat and cholesterol and rich in fruit, vegetables and grain products that contain dietary fibre may reduce the risk of heart disease

TABLE 2: REDUCTION OF DISEASE RISK CLAIMS

I	II
FOOD CHARACTERISTICS	PERMITTED WORDING OF CLAIM
Fruits and vegetables and cancer Fruit or vegetables; low total fat; high in least one of the following: Vitamins A or C or dietary fibre (without enrichment)	Low fat diets rich in fruits and vegetables (food that are low in fat) and which contain dietary fibre, vitamins A and C) may reduce the risk of some types of cancer, a disease associated with many risk factors
Folate and neural tube defects High in folic acid	Women who consume adequate amounts of folate or folic acid, a B vitamin, daily throughout their childbearing years may reduce their risk of having a child with a birth defect of the brain and spinal cord. Such birth

	defects, while not widespread are very serious. They can have many causes. Adequate amounts of folate can be obtained from diets rich in fruits, dark green leafy vegetables, legumes, fortified grain products, fortified cereals or a nutritional supplement. Total folate consumption should be limited to 1 000 mcg per day from all sources
Plant sterols and plant stanol esters and coronary heart disease Foodstuffs that contain at least 0,65 g plant sterols or 1,7 g plant stanol esters per serving and are low in saturated fat and cholesterol	Diets low in saturated fat and cholesterol that include two servings of food that provide a daily total of at least 1.3 g plant sterols or 3.4 g of plant stanol esters in two meals may reduce the risk of heart disease by lowering cholesterol

TABLE 2: REDUCTION OF DISEASE RISK CLAIMS

I	II
FOOD CHARACTERISTICS	PERMITTED WORDING OF CLAIM
<p><u>Oats and coronary heart disease</u></p> <p>At least 60 g whole oats (rolled oats oatmeal) or 40 g oat bran, enrichment, that provides 3 g or more β-glucan fibre per serving. The amount of β-glucan fibre per recommended serving shall be indicated in the table with nutritional information.</p>	<p>3 g β-glucan fibre from 60 or g whole oats daily, or 40 g without oat fibre, as part of a diet low in saturated fat and cholesterol, may reduce the risk of coronary heart disease.</p>
<p><u>Sugar alcohols and dental caries</u></p> <p>The sugar alcohol should be the main sweetener in the foodstuff and should be a permitted sugar alcohol in terms of the Sweetener Regulations promulgated under Act No. 54 of 1972</p>	<p>Frequent eating of foods high in sugars and sticky starches as between-meal snacks can promote tooth decay. The sugar alcohol(s), (name sugar alcohol) used as a sweetener in name the product) does not promote tooth decay/dental caries.</p>
<p><u>Psyllium fibre and coronary heart disease</u></p> <p>1,7 g soluble fibre from the psyllium husk per suggested serving, low saturated fat, low cholesterol and low total fat</p>	<p>Soluble fibre derived from foods such as psyllium, part of a diet low in saturated fat, cholesterol, and total fat, may reduce the risk of heart disease</p>
<p><u>Whole grains and coronary heart disease and cancer</u></p> <p>Foodstuffs that contain at least 51% whole grains by weight as the main ingredient, that provide a minimum of 16 g of whole grains per serving, 2,8 g fibre per 50 g serving and are low in total fat, saturated fat and cholesterol</p>	<p>Diets rich in whole-grain foods and other plant foods and low in fat and cholesterol may reduce the risk of heart disease and certain cancers</p>
<p><u>Soy protein and heart disease</u></p> <p>Foodstuffs that contain at least 6,25 g of soy protein per serving and are low in saturated fat and cholesterol</p>	<p>Diets which contain at least 25 g soy protein (4 servings) daily and which are low in saturated fat and cholesterol, may reduce the risk of heart disease by lowering cholesterol levels</p>

Probiotic and prebiotic claims

1. Claims for "probiotic" shall not be made on the label of a foodstuff unless the claim complies with the conditions specified in paragraphs (a), (b), (c), (d), (e), (f) and (g) and in Table 3 and claims for "prebiotic" shall not be made on the label of a foodstuff unless the claim complies with the conditions specified in (a), (c), (d) and (h) and in Table 3-
 - a. No claim for probiotics or prebiotics may have additional information added to it, except the information permitted in column I of Table 3 and the wording of the information may not be altered in a way which will result in a change of meaning or which will result in a change of emphasis.
 - b. Foodstuffs for which a probiotic claim is made shall bear on the label an indication of the number of viable, colony forming unit probiotic microbials per gram end product at the end of the shelf life period and the probiotic microbial specie(s) shall be identified by their full scientific name according to the International Code of Nomenclature and as indicated in column II of Table 3, as well as the specific strain number.
 - c. No claim for probiotics or prebiotics may attribute any degree of a disease risk reduction to a specific foodstuff, or ingredient thereof.
 - d. The prescribed nutritional information as per Annexure 2 of a serving and per 100 g or per 100 ml shall be provided on the label.
 - e. Foodstuffs for which a probiotic claim is made shall bear on the main panel of the label the instruction "KEEP REFRIGERATED" or "KEEP FROZEN", as the case may be, in capital (upper-case) letters not less than 3,0 mm in height in those cases where the strains are not stable at room temperature.
 - f. In cases where room temperature stability for South African circumstances can be assumed due to a lack of storage instructions on the label as described in paragraph (f), detailed data on the differential viable count of the strain(s) in the foodstuff shall be submitted to the Directorate: Food Control of the Department of Health, 30 calendar days prior to market appearance.
 - g. Subject to the requirements of paragraph 69(e) manufacturers, distributors and sellers shall ensure that foodstuffs which contains probiotic microorganisms shall be kept at or below 4°C at all times unless shelf life stability data indicate differently.
 - h. The source of amount of prebiotic shall be specified in the table with nutritional information

TABLE 3: PROBIOTIC CLAIMS

I PERMISSIBLE INFORMATION TO ACCOMPANY CLAIM	II CONDITIONS	III FOODSTUFFS
For foods for persons older than 1 year		
By improving the microbial balance in the intestines, probiotics improve the functioning of the digestive tract, and consequently improve general health. They inhibit the growth of harmful (pathogenic) microorganisms,	The viable count of probiotic bacteria should exceed 1×10^8 colony forming units per single portion foodstuff**. Only live, selected strains with premarket approval for its confirmed probiotic properties	Foods not preserved with primaricin

and may, when ingested on a regular basis as part of a prudent, balanced diet, assist in the digestion of lactose. These bacteria also stimulate the functions of the human immune system.	shall be permitted. These bacteria originate mainly from the genera: <ul style="list-style-type: none"> • Lactobacillus; • Bifidobacterium; • Lactococcus; and selected species from the genus • Streptococcus, e.g. Str. salivarius subspecies thermophilus. 	
For foods and formula for infants younger than 1 year		
Do.	The probiotic bacterial count should exceed 10 ⁸ colony forming units per single portion foodstuff** at the end of the shelf life period. Permitted organism is Live Bifidobacterium infantis only	Infant formula and infant foods
** As determined by the method described in Annexure 11 at the end of the product's shelf life.		
Prebiotics are non-digestible food components which have a beneficial effect on the host health by selectively stimulating the growth and metabolic activities of one or a limited number of beneficial intestinal bacteria and thus improving the host's intestinal balance.	At least 3 g prebiotic per daily serving. The amount and source of prebiotics shall be declared on the label	Fructo-oligosaccharides mainly from chicory, onion, garlic, asparagus, Jerusalem artichole and soya beans as well as galacto-oligosaccharides from whey and galactosylsucrose

Nutrition information format

1. (1) Nutrition information shall be given in a clear tabular format as per Annexure 2.
- (2) The unit of measurement shall appear behind the indication of the nutrient or energy value: Provided that –
 - i. the energy content of the foodstuff shall be declared in "kilojoules" or "kJ"; and
 - ii. the amount of each nutrient is declared by mass.

Special characteristics or properties

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

Negative claims

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

Voluntary nutritional information

1. When information in respect of the nutrient and/or energy value is provided on the label of a foodstuff and no claim as described in these regulations is made-
 - a. the label shall contain the prescribed nutritional information as per Annexure 2; and
 - b. may, in addition contain any other nutritional information of the manufacturer's choice per serving and per 100 g/ml, provided the information can be substantiated by either an analysis report from a reputable laboratory or from the national food composition tables.

Claims which depend on another foodstuff

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

Slimming claims

1. No claim shall be made on a label that a foodstuff is an aid to slimming or mass control or mass reduction or that it has a reduced or low energy value, and the foodstuff shall not be described as "diet" or in words to a similar effect unless the following requirements are complied with:
 - a. regulations 53 and 54 shall be complied with;
 - b. if a claim is made on the label that a foodstuff, with the exception of carbonated soft drinks in returnable soft drinks bottles with embossed labels, is an aid to slimming or mass control or mass reduction, the foodstuff shall be labelled with the words ONLY EFFECTIVE AS PART OF AN ENERGY-CONTROLLED BALANCED DIET AND A DAILY INCREASE IN MODERATE PHYSICAL ACTIVITY" in letters not less than 3,0 mm in height for capital (upper-case) letters;
 - c. if a claim is made that a foodstuff has a reduced energy value, the energy value of a given mass of the foodstuff, or a given volume in the case of a liquid foodstuff, shall not be more than 75 % of that of the equivalent mass or volume of a similar foodstuff in relation to which no such claim is made, unless the foodstuff is a diet sweetener;
 - d. the label shall specify the energy content in kJ/100 g or kJ/100 ml, as the case may be, of the foodstuff;
 - e. in the case of a claim that a foodstuff has a low energy value, or if it is described as "diet"-
 - (i) the energy value of the foodstuff, with the exception of soft drinks, shall not be more than 170 kJ per 100 g (solids) or 80 kJ per 100 ml (liquids), as the case may be, unless the foodstuff is a diet sweetener;
 - (iv) the energy value of soft drinks shall not be more than 30 kJ per 100 ml in the ready-to-consume form; and
 - (v) in the case of an uncooked foodstuff which naturally has a low energy value, the claim shall be after the name of such foodstuff in the form "a low energy food".

Meal replacement formula

1. If a slimming claim is combined with a claim that the foodstuff may be used to replace part of a daily diet, the foodstuff shall be labelled with a statement to the effect that the foodstuff -
 - a. should not be used as a replacement for a person's whole diet;
 - b. should be used in conjunction with an energy-restricted balanced diet plan totalling not less than 835 kJ and not more than 1670 kJ per meal and a daily increase in moderate physical activity;
 - c. complies with the requirements of regulations 55, 56, 57, 59 and 75(b);
 - d. provides at least 33 % of the RDA for all specified nutrients, except protein, per serving on its own, as indicated in Annexure 3 as well as the prescribed nutritional information, excluding the nutrient value of a foodstuff which is an adjunct to the foodstuff in the package but is not itself in the package;
 - e. a minimum of 20 % and a maximum of 35 % of the energy available from food, ready-to-serve, shall be derived from its protein content with a protein digestibility corrected amino acid score (PDCAAS) of at least 90; the method for the determination of the PDCAAS score is listed in Annexure 4; essential amino acids may be added to improve protein quality only in amounts necessary for this purpose; only L-forms of amino acids should be used, except that DL-methionine may be used; and
 - f. not more than 30 % and not less than 20% of the energy available from the food shall be derived from fat including not less than 3 % of the energy available derived from linoleic acid (in the form of a glyceride) and not more than 10% from saturated fat.

Total diet replacement

1. If a claim is combined with a claim that the foodstuff is suitable to replace a daily diet, the foodstuff shall be labelled with a statement which clearly indicates -
 - a. the serving size, the number of servings per day and directions for use;
 - b. the information required by regulations 55, 56, 57, 59 and 75(b);
 - c. that the foodstuff supplies all the daily required nutrients as specified in regulation 76(d), (e) and (f);
 - d. that the foodstuff supplies not less than 4200 kJ per day; and
 - e. the following warning on the label: "It is advisable that a total diet replacement be used under the supervision of a registered dietitian", in capital letters of a letter size of at least 3 mm in height.

Foodstuffs for infants and young children

1. The labelling of a foodstuff specially made for fulfilling the particular nutrient requirements of infants or young children shall in addition comply with the labelling requirements in the Regulations Relating to Foodstuffs for Infants, Young Children and Children published under the Act.

Foodstuffs for Special Medical Purposes

1. The labelling of a foodstuff specially made for fulfilling the particular nutrient requirements of the dietary management of patients with special medical needs shall in addition comply with the labelling requirements in the Regulations Relating to Foodstuffs for Special Medical Purposes published under the Act.

Irradiation

1. (1) All containers of irradiated foodstuffs shall be unambiguously labelled with the word "irradiated" or "radurised" or any other word(s) indicating the treatment with ionising radiation; the internationally recognised Radura emblem may also be put on the label of an irradiated foodstuff, in close proximity to the name.

(2) Where bulk containers of irradiated foodstuffs are opened at the point of sale in such a manner that the statement that the foodstuff has been irradiated is obscured from the consumer's view, a notice with the information prescribed in subregulation (1) shall be displayed in the immediate proximity to such a foodstuff and in clear view of the purchaser.

(3) The letters of qualifying words shall be of uniform size throughout and the letters shall be printed in against a contrasting background, clearly and easily legible and indelible; the emblem shall, if used, be clearly visible.

(4) In the case of foodstuffs containing an irradiated component(s) in more than 10 % of the mass of the finished product, the words "irradiated" or "radurised" shall appear in parenthesis of the relevant component(s) in the list of ingredients on the label.

(5) Where a foodstuff containing an irradiated component(s) in more than 10% of the mass of the finished product, is presented for sale in such a manner that the consumer can no longer see that the foodstuff contains an irradiated component(s), a notice with the information prescribed in subregulation (1) shall be displayed in immediate proximity to such a foodstuff and in clear view of the purchaser.

(6) The producer of an irradiated foodstuff may, in addition to the labelling requirements, indicate the purpose of irradiation of such foodstuff, e.g. "IRRADIATED FOR PURPOSES OF INSECT CONTROL", or "IRRADIATED FOR PURPOSES OF MICROBIOLOGICAL CONTROL".

Vegetarian claims

1. (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":

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

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

"Honey" – means honey is included; and

"Strict" – means ingredients of multicellular plant, fungal, algae and bacterial origin are included but all ingredients and additives derived from animal origin are excluded; the term "vegan" may be used instead of "strict vegetarian".

(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 it is derived from nonvegetarian origin, any additive (refer to Annexure 1) or ingredient (refer to Annexure 7) derived from nonvegetarian origin which is added to the foodstuff, shall declare "non-vegetarian origin" or words that specify the source in parenthesis after the name of the additive or ingredient.

Claims for "organically produced foodstuffs"

1. Claims which indicate that a foodstuff has been organically produced/grown shall be subject to the provisions of regulations promulgated under the Agricultural Products Standards Act, 1990 (Act No. 119 of 1990).

Claims with regard to biotechnology

1. (1) Claims and information on a food label which indicate that a foodstuff or an ingredient has been obtained through biotechnology, shall be subject to the provisions of regulations promulgated under this Act.

(2) Claims that a foodstuff is not composed of or does not contain genetically modified organisms shall be subject to the provisions of regulations promulgated under this Act.

EXEMPTIONS

1. (1) The following ingredients of a foodstuff need not be named in the list of ingredients:
 - a. Constituents of an ingredient which have become temporarily separated during the manufacturing process and are later reintroduced in their original proportions;
 - b. any substance other than water which is used as a solvent or carrier for a food additive or nutrient and which is used in an amount that is consistent with good manufacturing practice;

water or other volatile ingredients evaporated in the course of manufacture;

the constituents of a compound ingredient in a case where the compound ingredient would not be required to bear a list of ingredients if it were itself being sold prepacked as a foodstuff.

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

- a. Water to which no ingredient other than carbon dioxide has been added and the name of which indicates that it has been carbonated;
- b. Vinegars which are derived by means of natural fermentation exclusively from a single basic product and to which no other ingredient has been added; or
- c. a dairy product to which no ingredient other than milk, a starter culture or rennet has been added;

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

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

- Hens' eggs and ostrich eggs;
- Fresh, unprocessed vegetables and fruit which have not been mixed;

- Wheaten products which are not prepacked and for which compositional standards exist in terms of the Agricultural Product Standards Act, 1990 (Act No. 119 of 1990);
- Any drink referred to in the Liquor Products Act, 1989 (Act No. 60 of 1989): Provided that where the drink contains the colourant "tartrazine", and where health statements/health warning are prescribed, these facts shall be indicated on the label in accordance with the provisions of the Act;
- Unprocessed fish, unprocessed meat of bovines, goats, sheep, pigs and poultry which have not been prepacked;
- Unprocessed fish, unprocessed meat of bovines, goats, sheep, pigs and poultry prepacked 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 or fish;
- Any foodstuff prepared and sold on the premises of a catering establishment for immediate consumption;
- Unpacked or transparently-packed portions of foodstuffs that are sold as snacks on the premises of preparation;
- Any foodstuff which is sold in bulk other than by retail and which is accompanied by relevant trade documents reflecting all particulars required by these regulations to appear on the label of a prepacked foodstuff; or
- Flour confectionary intended to be consumed within 24 hours of manufacture.

REPEAL

1. The regulations promulgated under Government Notice No. R. 908 of 27 May 1977, as amended by Government Notices Nos. R.1389 of 22 July 1977, R.1843 of 28 August 1981, R.2298 of 26 October 1984, R.2567 of 15 November 1985, and Government Notice No. R. 2034 of 29 October 1993, as amended by Government Notices Nos. R.932 of 30 June 1995, R. 129 of 2 February 1996, Regulation 6(6)(a) of R 3128 of 1991 and Regulations 14(4)(i and ii) and 16(3) of the Regulations regarding Food, Drugs and Disinfectants (GN. No. R. 575) of Act 13 of 1929, and are hereby repealed in so far as they relate to foodstuffs.

COMMENCEMENT

1. These regulations come into operation 12 months after the date of final publication.