

# GOVERNMENT NOTICES

## GOEWERMENSKENNISGEWINGS

### DEPARTMENT OF AGRICULTURE, FORESTRY AND FISHERIES DEPARTEMENT VAN LANDBOU, BOSBOU EN VISSERYE

No. R. 411

14 June 2013

AGRICULTURAL PRODUCT STANDARDS ACT, 1990 (ACT No. 119 OF 1990)

#### REGULATIONS RELATING TO THE CLASSIFICATION, PACKING AND MARKING OF FRUIT JUICE AND DRINK INTENDED FOR SALE IN THE REPUBLIC OF SOUTH AFRICA: AMENDMENT

The Minister of Agriculture, Forestry and Fisheries, acting under section 15 of the Agricultural Product Standards Act, 1990 (Act No. 119 of 1990), made the regulations in the Schedule.

#### SCHEDULE

##### *Definition*

1. In this Schedule "the Regulations" means the regulations published by Government Notice No.R. 286 of 7 November 1980, as amended by Government Notices Nos. R. 929 of 1 May 1981, R. 1325 of 9 July 1982, R. 992 of 13 May 1983, R. 602 of 30 March 1984, R. 641 of 30 March 1984 and R.1801 of 17 November 1995.

##### *Amendment of regulation 1 of the Regulations*

2. Regulation 1 of the Regulations is hereby amended by --
- (a) the substitution of the definition for "citrus fruit" with the following definition:  
"'**citrus fruit**' means oranges, grapefruit, mandarins, lemons and limes or hybrids thereof;";
  - (b) the insertion, after the definition of "letters", of the following definition:  
"'**main ingredient**' means the ingredient(s), excluding water, which by weight or volume, as the case may be, contributes the highest percentage mass or volume to the fruit juice or drink product concerned;";
  - (c) the substitution of the definition for "naartje (tangerine)" with the following definition:  
"'**mandarin**' means the fruit of the species *Citrus reticulata* Blanco and hybrids thereof;";  
and
  - (d) the substitution of the wording "8,0 °Brix in the case of naartje juice;" and "7,5 °Brix in the case of lemon juice;" in the definition for "standard strength or single strength" with the following wording respectively:  
"8,5 °Brix in the case of mandarin juice;"; and  
"7,5 °Brix in the case of lemon and lime juice;".

##### *Amendment of regulation 6 of the Regulations*

3. Regulation 6 of the Regulations is hereby amended by --
- (a) the substitution for subregulation (1) of the following subregulation:  
"(1) There shall be six classes of apricot pureé and drink namely Fresh Apricot Pureé, Unsweetened Apricot Pureé, Apricot Nectar, Apricot Squash, Apricot Drink and Apricot Flavoured Drink of which the requirements are prescribed in subregulations (2), (3), (4) and (5).";
  - (b) the deletion of subregulation (4);
  - (c) the renumbering of subregulation (5) to "(4)";

- (d) the deletion of the wording "...or (4)" in the newly numbered subregulation (4);
- (e) the substitution of the wording "90% (v/v)" in the newly numbered subregulation (4) with "100% (v/v)"; and
- (f) the substitution for subregulation (6) of the following subregulation:  
*"Apricot Flavoured Drink"*  
(5) Apricot pureé or drink which does not comply with the requirements prescribed in subregulations (2), (3) or (4) shall be classified as 'Apricot Flavoured Drink'."

#### **Amendment of regulation 8 of the Regulations**

4. Regulation 8 of the Regulations is hereby amended by –

- (a) the substitution for subregulation (1) of the following subregulation:  
"(1) There shall be six classes of granadilla juice and drink namely Fresh Granadilla Juice, Unsweetened Granadilla Juice, Granadilla Nectar, Granadilla Squash, Granadilla Drink and Granadilla Flavoured Drink of which the requirements are prescribed in subregulations (2), (3), (4) and (5).";
- (b) the deletion of subregulation (4);
- (c) the renumbering of subregulation (5) to "(4)";
- (d) the deletion of the wording "...or (4)" in the newly numbered subregulation (4);
- (e) the substitution of the wording "80% (v/v)" in the newly numbered subregulation (4) with "100% (v/v)"; and
- (f) the substitution for subregulation (6) of the following subregulation:  
*"Granadilla Flavoured Drink"*  
(5) Granadilla juice or drink which does not comply with the requirements prescribed in subregulations (2), (3) or (4) shall be classified as 'Granadilla Flavoured Drink'."

#### **Amendment of regulation 9 of the Regulations**

5. Regulation 9 of the Regulations is hereby amended by –

- (a) the substitution for subregulation (1) of the following subregulation:  
"(1) There shall be six classes of guava pulp or pureé and drink namely Fresh Guava Pureé, Unsweetened Guava Pulp or Pureé, Guava Nectar, Guava Squash, Guava Drink and Guava Flavoured Drink of which the requirements are prescribed in subregulations (2), (3), (4) and (5).";
- (b) the deletion of subregulation (4);
- (c) the renumbering of subregulation (5) to "(4)";
- (d) the deletion of the wording "...or (4)" in the newly numbered subregulation (4);
- (e) the substitution of the wording "80% (v/v)" in the newly numbered subregulation (4) with "100% (v/v)"; and
- (f) the substitution for subregulation (6) of the following subregulation:

*“Guava Flavoured Drink*

(5) Guava pulp, pureé or drink which does not comply with the requirements prescribed in subregulations (2), (3) or (4) shall be classified as ‘Guava Flavoured Drink’.”.

**Amendment of regulation 10 of the Regulations**

6. Regulation 10 of the Regulations is hereby amended by –

(a) the substitution for subregulation (1) of the following subregulation:

“(1) There shall be six classes of pear pureé and drink namely Fresh Pear Pureé, Unsweetened Pear Pureé, Pear Nectar, Pear Squash, Pear Drink and Pear Flavoured Drink of which the requirements are prescribed in subregulations (2), (3), (4) and (5).”;

(b) the deletion of subregulation (4);

(c) the renumbering of subregulation (5) to “(4)”;

(d) the deletion of the wording “...or (4)” in the newly numbered subregulation (4);

(e) the substitution of the wording “90% (v/v)” in the newly numbered subregulation (4) with “100% (v/v)”; and

(f) the substitution for subregulation (6) of the following subregulation:

*“Pear Flavoured Drink*

(5) Pear pureé or drink which does not comply with the requirements prescribed in subregulations (2), (3) or (4) shall be classified as ‘Pear Flavoured Drink’.”.

**Amendment of regulation 11 of the Regulations**

7. Regulation 11 of the Regulations is hereby amended by –

(a) the substitution for subregulation (1) of the following subregulation:

“(1) There shall be six classes of peach pureé and drink namely Fresh Peach Pureé, Unsweetened Peach Pureé, Peach Nectar, Peach Squash, Peach Drink and Peach Flavoured Drink of which the requirements are prescribed in subregulations (2), (3), (4) and (5).”;

(b) the deletion of subregulation (4);

(c) the renumbering of subregulation (5) to “(4)”;

(d) the deletion of the wording “...or (4)” in the newly numbered subregulation (4);

(e) the substitution of the wording “90% (v/v)” in the newly numbered subregulation (4) with “100% (v/v)”; and

(f) the substitution for subregulation (6) of the following subregulation:

*“Peach Flavoured Drink*

(5) Peach pureé or drink which does not comply with the requirements prescribed in subregulations (2), (3) or (4) shall be classified as ‘Peach Flavoured Drink’.”.

**Amendment of regulation 12 of the Regulations**

8. Regulation 12 of the Regulations is hereby amended by –

(a) the substitution for subregulation (1) of the following subregulation:

“(1) There shall be six classes of pineapple juice and drink namely Fresh Pineapple Juice, Unsweetened Pineapple Juice, Pineapple Nectar, Pineapple Squash, Pineapple Drink and Pineapple Flavoured Drink of which the requirements are prescribed in subregulations (2), (3), (4) and (5).”;

(b) the deletion of subregulation (4);

(c) the renumbering of subregulation (5) to “(4)”;

(d) the deletion of the wording “...or (4)” in the newly numbered subregulation (4);

(e) the substitution of the wording “90% (v/v)” in the newly numbered subregulation (4) with “100% (v/v)”;

(f) the substitution for subregulation (6) of the following subregulation:

*“Pineapple Flavoured Drink*

(5) Pineapple juice or drink which does not comply with the requirements prescribed in subregulations (2), (3) or (4) shall be classified as ‘Pineapple Flavoured Drink’.”.

**Amendment of regulation 13 of the Regulations**

9. Regulation 13 of the Regulations is hereby amended by –

(a) the substitution for subregulation (1) of the following subregulation:

“(1) There shall be six classes of citrus juice and drink namely Fresh Citrus Juice, Unsweetened Citrus Juice, Citrus Nectar, Citrus Squash, Citrus Drink and Citrus Flavoured Drink of which the requirements are prescribed in subregulations (2), (3), (4) and (5): Provided that the name of the kind of citrus fruit from which the juice was obtained shall replace the word ‘citrus’ in the class name.”;

(b) the substitution of paragraph (3)(h) of the following paragraph:

“(h) in the ready-to-drink form has a minimum °Brix, °Brix to acid ratio and acid content as specified below:

| Kind of natural citrus juice | Minimum °Brix  | Minimum °Brix to acid ratio | Minimum percentage acid |
|------------------------------|--|-----------------------------|-------------------------|
| Orange juice                 | 8,6  | 8,5 : 1                     | 0,65                    |
| Mandarin juice               | 8,5  | 8,0 : 1                     | 0,65                    |
| Grapefruit juice             | 8,0  | 5,0 : 1                     | 0,65                    |
| Lemon and Lime juice         | 7,5  | 1,25 : 1                    | 5,0                     |
| Blended citrus juice         | The weighted average °Brix of the above °Brix values calculated according to the percentage of the different kinds of natural citrus juice contained in the blend.”; |                             |                         |

(c) the deletion of subregulation (4);

(d) the substitution for subregulation (5) of the following subregulation:

“(4) Citrus Nectar, Citrus Squash and Citrus Drink shall consist of citrus juice which complies with the requirements of subregulation (3), but by virtue of the addition of water or permitted substances contains less than 100% (v/v) citrus juice at standard strength in the ready-to-drink form, but of which the minimum percentage citrus juice (v/v) at standard strength and the minimum °Brix are as set out below:

| A   | B  |               |
|---|--|---------------|
| Classification                                      | Minimum percentage citrus juice at standard strength (v/v) | Minimum °Brix |
| Orange Nectar                                       | 50% (in the ready-to-drink form)                           | 8,6           |
| Mandarin Nectar                                     | 50% (in the ready-to-drink form)                           | 8,5           |
| Grapefruit Nectar                                   | 50% (in the ready-to-drink form)                           | 8,0           |
| Lemon and Lime Nectar                               | 12,5% (in the ready-to-drink form)                         | 7,5           |
| Orange, Mandarin, Grapefruit, Lemon and Lime Squash | 24% (in the undiluted form)                                | -             |
| Orange, Mandarin, Grapefruit, Lemon and Lime Drink  | 6% (in the ready-to-drink form)                            | -“; and       |

(e) the substitution for subregulation (6) of the following subregulation:

“*Citrus Flavoured Drink*

(5) Citrus juice or drink which does not comply with the requirements prescribed in subregulations (2), (3) or (4) shall be classified as ‘Citrus Flavoured Drink’.”.

#### **Amendment of regulation 14 of the Regulations**

10. Regulation 14 of the Regulations is hereby amended by –

(a) the substitution for subregulation (1) of the following subregulation:

“(1) There shall be five classes of blended fruit juice and drink namely Fresh Blended Fruit Juice, Unsweetened Blended Fruit Juice, Blended Fruit Nectar, Blended Fruit Squash and Blended Fruit Drink of which the requirements are prescribed in subregulations (5), (6) and (7).”;

(b) the deletion of subregulation (7); and

(c) the substitution for subregulation (8) of the following subregulation:

“(7) Blended Fruit Nectar, Blended Fruit Squash and Blended Fruit Drink shall consist of blended fruit juice which complies with the requirements of subregulation (6), but by virtue of the addition of water or permitted substances contains less fruit juice at standard strength in the ready-to-drink form than the weighted average of the juice content as prescribed for the different kinds of fruit juice in the blend, and of which the minimum percentage fruit juice (v/v) at standard strength and the minimum °Brix are as set out below:

| Classification       | Minimum percentage fruit juice at standard strength (v/v)  | Minimum °Brix  |
|----------------------|--|--|
| Blended Fruit Drink  | 6% on weighted average (in the ready-to-drink form)  | -  |
| Blended Fruit Nectar | The weighted average of the minimum percentages fruit juice at standard strength for a fruit nectar as prescribed for the fruit species concerned (in the ready-to-drink form) | The weighted average of the °Brix values at standard strength for a fruit nectar as prescribed for the fruit species concerned |

| Classification       | Minimum percentage fruit juice at standard strength (v/v) | Minimum °Brix |
|----------------------|---|---------------|
| Blended Fruit Squash | 24% on weighted average (in the undiluted form)           | –             |

**Amendment of regulation 15 of the Regulations**

11. Regulation 15 of the Regulations is hereby amended by –

(a) the substitution for subregulation (1) of the following subregulation:

“(1) There shall be six classes of unspecified fruit juice and drink namely Fresh X Juice, Unsweetened X Juice, X Nectar, X Squash, X Drink and X Flavoured Drink, where X is the name of the unspecified fruit concerned, and of which the requirements are prescribed in subregulations (2), (3), (4) and (5).”;

(b) the deletion of subregulation (4);

(c) the renumbering of subregulation (5) to “(4)”;

(d) the deletion of the wording “...or (4)” in the newly numbered subregulation (4);

(e) the substitution of the wording “90% (v/v)” in the newly numbered subregulation (4) with “100% (v/v)”;

(f) the substitution for subregulation (6) of the following subregulation:

“X Flavoured Drink

(5) X juice or X drink which does not comply with the requirements prescribed in subregulations (2), (3) or (4) shall be classified as ‘X Flavoured Drink’.”.

**Amendment of regulation 18 of the Regulations**

12. Regulation 18 of the Regulations is hereby amended by –

(a) the substitution for subregulation (4) of the following subregulation:

“(4)(a) The words ‘fresh’, ‘freshly’, ‘natural’, ‘nature’s’, ‘pure’, ‘traditional’, ‘original’, ‘authentic’, ‘real’, ‘genuine’, ‘home made’, ‘selected’, ‘premium’, ‘finest’, ‘quality’ or ‘best, or any other words, statements, phrases, logos or expressions having a similar meaning, whether directly or by implication, shall not appear on a container containing fruit juice or drink, unless the criteria on the use of such terms, as set out in the guidance notes compiled by the United Kingdom’s Food Standards Agency, have been complied with. The latest version of these guidance notes is available on the Department’s website or may be obtained directly from the office of the Executive Officer.

(b) Registered trade marks or brand names bearing the words, statements, phrases, logos or expressions referred to in paragraph (a) and which have been allowed for prior to the publication of this amendment, shall not be subject to these restrictions.”;

(b) the insertion of the following subregulations after subregulation (7):

“(8) No claim which compares the total fat, saturated fat, cholesterol, sugar, sodium or salt, or energy value of two or more similar Fruit Nectar, Fruit Nectar Blend, Fruit Squash, Blended Fruit Squash, Fruit Drink, Blended Fruit Drink or Fruit Flavoured Drink products by using words such as “reduced”, “less than”, “fewer”,

"light" and "lite", or words having a similar meaning, shall be made on the container or in an advertisement for these classes of products, unless the following conditions are complied with:

- (a) The product shall be compared with a different version of the specific fruit variant or blend of fruit variants, as the case may be, within the same class: Provided that if a different version of the specific fruit variant or blend of fruit variants is not available, the product concerned may be compared with a different fruit variant or blend of fruit variants, as the case may be, within the same class.
  - (b) The product being compared shall be clearly marked on every container with the following information:
    - (i) A statement of the amount of difference in the energy value or relevant nutrient content, expressed as a percentage.
    - (ii) The identity of the product(s) to which it is being compared in close proximity to or as part of 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: Provided that the necessary proof (analysis report, etc.) shall be provided by the manufacturer or packer on request of the inspector.
  - (d) Each container shall be marked with the prescribed nutritional information declaration required in terms of the regulations published under the Foodstuffs, Cosmetics and Disinfectants Act, 1972 (Act No. 54 of 1972).
- (9) No claim regarding the absence of any substance that does not normally occur in fruit juice or drink shall be marked on the container or outer container thereof, except in cases where it is allowed for in the regulations published under the Foodstuffs, Cosmetics and Disinfectants Act, 1972 (Act No. 54 of 1972)."

***Amendment of regulation 20 of the Regulations***

13. Regulation 20 of the Regulations is hereby amended by –

- (a) the substitution for paragraph (2)(a) of the following paragraph:

"(a) *Country of origin and name and address*

- (i) The country of origin which shall be declared as follows in letters at least 1mm in height:
  - (aa) 'Product of (name of country)' if all the main ingredients, processing and labour used to make the product are from one specific country;
  - (bb) 'Produced in (name of country)', 'Processed in (name of country)', 'Manufactured in (name of country)', 'Made in (name of country)', or wording having a similar meaning, when the product is processed in a second country which changes its nature; or
  - (cc) In the case where single ingredient agricultural commodities are imported in bulk and where owing to climatic, seasonal or other contingencies more than one country may be the source of the

single ingredient agricultural commodity, the wording 'Product of (name(s) of country(ies))' separated by the expression 'and/or', shall be declared on the label of the final pre-packed foodstuff: Provided that the final end product remains a single ingredient agricultural commodity:

Provided further that the words 'Packed in (name of country)' may be used in addition to the requirements of sub-subparagraph (aa) or (bb) above.

- (ii) The name and address of the manufacturer, packer, importer, seller or person or entity on whose behalf the product has been packed in letters at least 1mm in height.”;
- (b) the deletion of subparagraph (2)(b)(iv);
- (c) the renumbering of subparagraph (2)(b)(v) to “(iv)”;
- (d) the renumbering of subparagraph (2)(b)(vi) to “(v)”;
- (e) the renumbering of subparagraph (2)(b)(vii) to “(vi)”;
- (f) the renumbering of subparagraph (2)(b)(viii) to “(vii)”;
- (g) the deletion of paragraph (2)(g).

#### **COMMENCEMENT**

14. These amendments shall come into operation 12 months after the date of publication.