

No. R. 1185

17 December 2010

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

**REGULATIONS RELATING TO THE GRADING, PACKING AND MARKING OF  
SOFT WHEAT INTENDED FOR SALE IN THE REPUBLIC OF SOUTH AFRICA**

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

- (a) made the regulations in the Schedule;
- (b) determined that the said regulations shall come into operations on the date of publication; and
- (c) repealed the regulations published in Government Notice No's R.905 of 10 July 1998 as amended by R.1421 of 6 November 1998, R.876 of 14 September 2001, R.979 of 19 July 2002, and R.1210 of 29 August 2003.

**SCHEDULE**

**Definitions**

1. Unless the context otherwise indicates, any word or expression in these regulations to which a meaning has been assigned in the Act shall have that meaning, and;

**"animal rests"** means dead rodents, dead birds and dung;

**"bag"** means a bag manufactured from --

- (a) jute or phormium or a mixture of jute and phormium; or
- (b) polypropylene that complies with SABS specification CKS632;

**"bulk container"** means any vehicle or container in which bulk wheat is stored or transported;

**"consignment"** means --

- (a) a quantity of wheat of the same class, which belongs to the same owner, delivered at any one time under cover of the same consignment note, delivery note or receipt note, or delivered by the same vehicle or bulk container, or loaded from the same bin of a grain elevator or from a ship's hold; or
- (b) in the case where a quantity referred to in paragraph (a), is subdivided into different grades, each such quantity of each of the different grades;

**"container"** means a bag or bulk container;

**"cultivar list"** means the list of cultivars determined from time to time by the Executive Officer: Agricultural Product Standards and which is obtainable from the Executive Officer: Agricultural Product Standards, Private Bag X258, Pretoria, 0001;

**"damaged wheat"** means wheat --

- (a) which have been damaged by insects;
- (b) which have been distinctly discoloured (orange-brown, dark brown or black) by external heat or as a result of heating caused by internal fermentation in wheat with an excessive

moisture content, excluding wheat kernels in respect of which the discolouration is confined to the germ end;

- (c) which are immature and have a distinctly green colour; and
- (d) in which germination has proceeded to such an extent that the skin covering the embryo has been broken or the developing sprouts and/or rootlets are clearly visible;

**"ergot sclerotia"** means the sclerotia of the fungus *Claviceps purpurea*; and **"ergot"** has a corresponding meaning;

**"field fungi infected wheat"** means wheat of which the kernels are visibly infected with fungi, and that -

- (a) clearly have greyish brush-ends that are discoloured as a whole; or where field fungi growth is present from the brush-ends into the crease;
- (b) have a dull, lifeless, chalky or pinkish and shrunken appearance as a result of *Fusarium* infection;

**"foreign matter"** means all material excluding wheat, other grain and un threshed ears;

**"heavily frost-damaged wheat"** means --

- (a) wheat which have been damaged by severe frost during the milk to soft dough stage and which is characterised by the kernels being fairly plump but covered entirely with small blisters extending into the crease, excluding --
  - (i) kernels in which blistering is confined to the back of the kernel; and
  - (ii) immature wrinkled kernels in which wrinkling has been caused by frost while the kernels were still immature; and
- (b) kernels which have a slightly flaked-off bran coat due to frost: Provided that evidence of frost damage is present and that the bran coat had not been rubbed off due to handling;

**"hectolitre mass"** means the mass in kilogram per hectolitre;

**"insect"** in relation to wheat, means any live insect that is injurious to stored grain irrespective of the stage of development of that insect;

**"other grain"** means the kernels or pieces of kernels of barley, oats, triticale, maize, rye and sorghum;

**"poisonous seeds"** means the seeds or bits of seeds of plant species that may in terms of the Foodstuffs, Cosmetics and Disinfectants Act, 1972 (Act No. 54 of 1972) represent a hazard to human or animal health when consumed, including seeds of *Argemone mexicana*, *Convolvulus spp.*, *Crotalaria spp.*, *Datura spp.*, *Ipomoea purpurea*, *Lolium temulentum*, *Ricinus communis* or *Xanthium spp.*;

**"screenings"** means all material that passes through the standard sieve;

**"standard sieve"** is a slotted sieve --

- (a) with a flat bottom of metal sheet of 1,0 mm thickness with apertures 12,7 mm long and 1,8 mm wide with rounded ends. The spacing between the slots in the same row must be 2,43 mm wide and the spacing between the rows of slots must be 2,0 mm wide. The slots must be alternately orientated with a slot always opposite the solid inter segment of the next row of slots.
- (b) of which the upper surface of the sieve is smooth;

- (c) with a round frame of suitable material with an inner diameter of between 300 mm and 310 mm maximum and at least 50 mm high;
- (d) that fits onto a tray with a solid bottom and must be at least 20 mm above the bottom of the tray;

**"stinking smut infection"** means wheat that is infected with *Tilletia spp.* with the exception of wheat infected with *Tilletia indica* (karnal bunt). Wheat is considered stinking smut infected if one or more of the following characteristics are present:

- (a) an unmistakable stinking smut odour; or
- (b) wheat kernels that are smeared with stinking smut; or
- (c) more than four stinking smut balls (or pieces of balls equal to four stinking smut balls) per 100 g of wheat;

**"storage fungi infected wheat"** means wheat that are visibly infected with fungi, and that show -

- (a) blue, green, blackish or yellow fungal growth anywhere on the kernel; or
- (b) visible mould beneath the bran;

**"the Act"** means the Agricultural Product Standards Act, 1990 (Act No. 119 of 1990);

**"un threshed ears"** means ears and bits of ears of wheat, barley, triticale and rye that still contain seeds that are completely covered with glumes; and

**"wheat"** means the kernels and pieces of kernels of the species *Triticum aestivum*.

#### **Restrictions on sale of wheat**

2. (1) No person shall sell a consignment of wheat in the Republic of South Africa --
  - (a) unless the wheat is sold according to the classes set out in regulation 3;
  - (b) unless the wheat complies with the standards for the classes set out in regulation 4;
  - (c) unless the wheat, where applicable, complies with the grades of wheat and the standards for grades set out in regulations 5 and 6 respectively;
  - (d) unless the wheat is packed in accordance with the packing requirements set out in regulation 7;
  - (e) unless the containers or sale documents, as the case may be, are marked in accordance with the marking requirements set out in regulation 8; and
  - (f) if such wheat contains a substance that renders it unfit for human consumption or for processing into or utilisation thereof as food or feed.
- (2) The Executive Officer may grant written exemption, entirely or partially, to any person on such conditions as he or she may deem necessary, from the provisions of subregulation (1).

**PART I****QUALITY STANDARDS*****Classes of wheat***

3. The classes of wheat are --

- (a) Soft Wheat; and
- (b) Other Wheat.

***Standards for classes***

4. (1) Notwithstanding the provisions of sub regulations (2) and (3), all consignments of wheat must --

- (a) be free from any toxin, chemical or other substances that renders it unsuitable for human consumption or for processing into or utilisation thereof as food or feed and may not exceed the permissible deviations regarding aflatoxin in terms of the Foodstuffs, Cosmetics and Disinfectants Act, 1972 (Act No. 54 of 1972);
- (b) contain not more poisonous seeds or ergot sclerotia than permitted in terms of the Foodstuffs, Cosmetics and Disinfectants Act, 1972 (Act No. 54 of 1972);
- (c) be free from organisms of phytosanitary importance as determined in terms of the Agricultural Pest Act, 1983 (Act No. 36 of 1983);
- (d) be free from mould infected, sour and rancid other grain, foreign matter and any other matter;
- (e) be free from any undesired odour, taste or colour not typical of undamaged and sound wheat;
- (f) be free from animal rests;
- (g) with the exception of Other Wheat, be free from insects;
- (h) with the exception of Other Wheat, be free from stinking smut infection; and
- (i) with the exception of Other Wheat, have a moisture content not exceeding 13 per cent.

(2) A consignment shall be classified as Soft Wheat if --

- (a) the wheat in the consignment consists of at least 95 per cent (m/m) of one or more of the Soft wheat cultivars specified in the cultivar list; and
- (b) it complies with the standards for Grade 1 and Grade 2 set out in regulation 6.

(3) A consignment of wheat shall be classified as Other Wheat if it does not comply with the standards for Soft Wheat.

***Grades of wheat***

5. (1) The grades for Soft Wheat shall be as follows:

- (a) Grade 1; and
- (b) Grade 2;

- (2) No grades are determined for Other Wheat.

**Standards for grades of wheat**

6. (1) Subject to the provisions of sub regulation (2), a consignment of wheat shall be graded as --
- (a) Grade 1 if the nature of deviation, specified in column 1 of Table 1 of the Annexure, in that consignment does not exceed the percentage specified in column 2 of the said table opposite the deviation concerned;
  - (b) Grade 2 if the nature of deviation, specified in column 1 of Table 1 of the Annexure, in that consignment does not exceed the percentage specified in column 3 of the said table opposite the deviation concerned;
- (2) The minimum hectolitre masses for the different grades are as follows:
- (a) Grade 1 – 76 kg;
  - (b) Grade 2 - 74 kg;

**PART II**

**PACKING AND MARKING REQUIREMENTS**

**Packing requirements**

7. Wheat of different grades shall be packed in different containers, or stored separately.

**Marking requirements**

8. (1) Every container or the accompanying sale documents of a consignment of wheat shall be marked or endorsed by means of appropriate symbols specified in subregulation (2), with --
- (a) the class of the wheat; and
  - (b) the grade.
- (2) The symbols referred to in subregulation (1) shall appear in the order of class and grade.
- (3) The symbols used to indicate the different --
- (a) classes shall be --
    - (i) C in the case of Soft Wheat; and
    - (ii) O in the case of Other Wheat;
  - (b) grades shall be --
    - (i) 1 in the case of Grade 1;
    - (ii) 2 in the case of Grade 2;

**PART III**

**SAMPLING**

**Taking of sample**

9. (1) A sample of a consignment of wheat shall --

- (a) in the case of wheat delivered in bags and subject to regulation 10, be obtained by sampling at least ten per cent of the bags, chosen from that consignment at random, with a bag probe: Provided that at least 25 bags in a consignment shall be sampled and where a consignment consists of less than 25 bags, all the bags in that consignment shall be sampled; and
  - (b) in the case of wheat delivered in bulk and subject to regulation 10, be obtained by sampling that consignment throughout the whole depth of the layer, in at least six different places, chosen at random in that bulk quantity, with a bulk sampling apparatus.
- (2) The collective sample obtained in subregulation (1)(a) or (b) shall --
- (a) have a total mass of at least 10 kg; and
  - (b) be thoroughly mixed by means of dividing before further examination.
- (3) If it is suspected that the sample referred to in sub regulation (1)(a) is not representative of that consignment, an additional five per cent of the remaining bags, chosen from that consignment at random, shall be emptied into a suitable bulk container and sampled in the manner contemplated in subregulation (1)(b).
- (4) If it is suspected that the sample referred to in sub regulation (1)(b) is not representative of that consignment, an additional representative sample shall be obtained by using an alternative sampling pattern, apparatus or method.
- (5) A sample taken in terms of these regulations shall be deemed to be representative of the consignment from which it was taken.

***Sampling if contents differ***

10. (1) If, after an examination of the wheat taken from different bags in a consignment in terms of regulation 9(1)(a), it appears that the contents of those bags differ substantially --
- (a) the bags concerned shall be placed separately;
  - (b) all the bags in the consignment concerned shall be sampled with a bag probe in order to do such separation; and
  - (c) each group of bags with similar contents in that consignment shall for the purposes of these regulations be deemed to be a separate consignment.
- (2) If, after the discharge of a consignment of wheat in bulk has commenced, it is suspected that the consignment could be of a class or grade other than that determined by means of the initial sampling, the discharge shall immediately be stopped and the part of the consignment remaining in the bulk container as well as the wheat already in the hopper shall be sampled anew with a bulk sampling apparatus or by catching at least 20 samples, by means of a suitable container, at regular intervals throughout the whole offloading period from the stream of wheat flowing in bulk.

***Working sample***

11. A working sample is obtained by dividing the representative sample of the consignment according to the ICC (International Association for Cereal Science and Technology) 101/1 method.

**PART IV****DETERMINATION OF OTHER SUBSTANCES*****Determination of undesirable odours and harmful substances***

12. A consignment of wheat or a sample of a consignment of wheat shall be sensorial assessed or chemically analysed in order to determine --

- (a) whether it contains a substance that renders the wheat unfit for human consumption or for processing into or for utilisation as food or feed; and
- (b) whether it has a musty, sour, rancid or other undesirable odour: Provided that a working sample of unscreened wheat that is ground in a grain mill to a fine meal may be used for the determination concerned.

**PART V****DETERMINATION OF CLASS, HECTOLITRE MASS AND MOISTURE CONTENT*****Determination of class***

13. The class of a consignment of wheat shall be determined as follows:

- (a) Obtain a working sample of at least 500 g and screen the working sample in the manner prescribed in regulation 16.
- (b) Take at least 100 g of the screened wheat and remove all other grain, un threshed ears and foreign matter by hand.
- (c) Obtain a working sample of at least 25 g each after all other grain, un threshed ears and foreign matter have been removed and separate the different cultivars.
- (d) Determine the combined mass of all of the cultivars that belongs according to the cultivar list to the same class and express the mass thus determined as a percentage of the mass of the working sample.
- (e) Such percentage represents the percentage of all the cultivars that belongs according to the cultivar list to the same class in the consignment.

***Determination of the hectolitre mass***

14. The hectolitre mass of a consignment of unscreened wheat may be determined by any suitable instrument: Provided that the instrument complies with and has been calibrated to, the specifications detailed in ISO (International Organization for Standardization) 7971-3.

***Determination of moisture content***

15. The moisture content of a consignment wheat may be determined by any suitable method: Provided that the results thus obtained is in accordance with the maximum permissible deviation for a class 1 moisture meter as detailed in ISO (International Organization for Standardization) 7700/1 based on the results of the 72 hour, 103°C oven dried method [AACC (American Association for Cereal Chemists) Method 44-15A].

**PART VI****DETERMINATION OF PERCENTAGE DEVIATIONS*****Determination of percentage screenings***

16. (1) The percentage screenings in a consignment of wheat shall be determined as follows:

- (a) Obtain a working sample of at least 500 g.
- (b) Place the sample on the standard sieve and screen the sample by moving the sieve 50 strokes to and fro, alternately away from and towards the operator of the sieve, in the same direction as the long axes of the slots of the sieve. Move the sieve, which rests on a table or other suitable smooth surface, 250 mm to 460 mm away from and towards the operator with each stroke. The prescribed 50 strokes must be completed within 50 to 60 seconds: Provided that the screening process may also be performed in some or other container or an automatic sieving apparatus.
- (c) Determine the mass of the material that has passed through the sieve and express it as a percentage of the mass of the working sample.
- (d) Such percentage represents the percentage screenings in the consignment.

***Determination of the percentage heavily frost-damaged wheat***

17. The percentage heavily frost-damaged wheat in a consignment of wheat shall be determined as follows:

- (a) Obtain a working sample of at least 25 g of a screened sample.
- (b) Remove all heavily frost-damaged kernels by hand and determine the mass thereof.
- (c) Express the mass thus determined as a percentage of the mass of the working sample.
- (d) Such percentage represents the percentage heavily frost-damaged wheat in the consignment concerned.

***Determination of the percentages other grain and unthreshed ears***

18. The percentage other grain and unthreshed ears in a consignment of wheat shall be determined as follows:

- (a) Obtain a working sample of at least 50 g from a screened sample.
- (b) Remove all other grain and unthreshed ears by hand and determine the mass thereof.
- (c) Express the mass thus determined as a percentage of the mass of the working sample.
- (d) Such percentage represents the percentage other grain and unthreshed ears in the consignment concerned.

***Determination of the percentage foreign matter***

19. The percentage foreign matter in a consignment of wheat is determined as follows:

- (a) Obtain a working sample of at least 100 g from a screened sample.
- (b) Remove all foreign matter by hand and determine the mass thereof.
- (c) Express the mass thus determined as a percentage of the mass of the working sample.
- (d) Such percentage represents the percentage foreign matter in the consignment concerned.

***Determination of the percentage damaged wheat***

20. The percentage damaged wheat in a consignment of wheat shall be determined as follows:

- (a) Obtain a working sample of at least 25 g of a screened sample.
- (b) Remove all damaged kernels by hand and determines the mass thereof.
- (c) Express the mass thus determined as a percentage of the mass of the working sample.
- (d) Such percentage represents the percentage damaged wheat in the consignment concerned.

***Determination of the percentage heat-damaged wheat***

21. The percentage heat-damaged wheat in a consignment of wheat shall be determined as follows:
- (a) Obtain a working sample of at least 100 g from a screened sample.
  - (b) Remove all heat-damaged kernels by hand and determine the mass thereof. Kernels from an additional working sample may also be sensorially assessed (by smelling and tasting the kernels) to confirm suspicion of heat damage.
  - (c) Express the mass thus determined as a percentage of the mass of the working sample.
  - (d) Such percentage represents the percentage heat-damaged wheat in the consignment concerned.

***Determination of percentage field fungi infected wheat***

22. The percentage field fungi infected wheat in a consignment of wheat shall be determined as follows:
- (a) Obtain a working sample of at least 25 g from a screened sample.
  - (b) Remove all field fungi infected kernels by hand and determine the mass thereof.
  - (c) Express the mass thus determined as a percentage of the mass of the working sample.
  - (d) Such percentage represents the percentage of field fungi infected wheat in the consignment concerned.

***Determination of percentage storage fungi infected wheat***

23. The percentage storage fungi infected wheat in a consignment of wheat shall be determined as follows:
- (a) Obtain a working sample of at least 100 g from a screened sample.
  - (b) Remove all storage fungi infected kernels by hand and determine the mass thereof.
  - (c) Express the mass thus obtained as a percentage of the mass of the working sample.
  - (d) Such percentage represents the percentage storage fungi infected wheat in the consignment concerned.

**PART VII**

***Offence and penalties***

24. Any person who contravenes or fails to comply with any provision of these regulations shall be guilty of an offence and upon conviction be liable to a fine of not exceeding R50 000 or to imprisonment for a period not exceeding two years, or to both that fine or imprisonment.

## ANNEXURE

TABLE 1

## STANDARDS FOR GRADES OF SOFT WHEAT

Nature of deviation	Maximum percentage permissible deviation (m/m)	
	Grade 1/	Grade 2/
<b>1</b>	<b>2</b>	<b>3</b>
(a) Heavily frost-damaged kernels/	5	5
(b) Field fungi infected kernels	2	2
(c) Storage fungi infected kernels	0,5	0,5
(d) Screenings	3	3
(e) Other grain and unthreshed ears	1	1
(f) Gravel, stones, turf and glass	0,5	0,5
(g) Foreign matter including gravel, stones, turf and glass: Provided that such deviations are individually within the limits specified in item (f)	1	1
(h) Heat-damaged kernels	0,5	0,5

Nature of deviation	Maximum percentage permissible deviation (m/m)	
	Grade 1/	Grade 2/
1	2	3
(i) Damaged kernels, including heat-damaged kernels: Provided that such deviations are individually within the limit specified in item (h) and provided further that the minimum falling number value prescribed in regulation 6(3) for the grade concerned is at least complied with.	2	2
(j) Deviations in items (d), (e), (g) and (i) collectively: Provided that such deviations are individually within the limits of the said items	5	5