



# agriculture, forestry & fisheries

Department:  
Agriculture, Forestry and Fisheries  
REPUBLIC OF SOUTH AFRICA

Directorate Food Safety and Quality Assurance, Private Bag X343, PRETORIA, 0001

---

**TO:** 1. ALL CANNERS, IMPORTERS & RETAILERS OF CANNED FRUIT & VEGETABLES  
2. SA FRUIT & VEGETABLE CANNERS' ASSOCIATION (SAFVCA)  
3. DIRECTORATE: INSPECTION SERVICES

---

**FROM:** The Executive Officer

---

<b>ENQUIRIES:</b>	Matlou Setati	<b>E-MAIL:</b>	matlous@daff.gov.za
<b>TEL:</b>	+27 (0) 12 319 6049	<b>REF NO:</b>	20.4.13.1.3/Canned fruit and vegetables
<b>FAX:</b>	+27 (0) 12 319 6055		
<b>NO. PAGES:</b>	2	<b>DATE:</b>	10 September 2015

---

Subject

**DISPENSATION: PERMISSION TO USE COMPARATIVE CLAIMS ON CONTAINERS  
CONTAINING CANNED FRUIT AND VEGETABLES**

### Background

The new labelling and advertising of foodstuffs regulation (R.146 of 1 March 2010) published by the Department of Health came into operation on 1 March 2012. Clause 53(2) in the said regulation states the following:

#### “Comparative claims

53(2) Comparative claims shall not be allowed for foodstuffs for which compositional standards exist under the Agricultural Products Standards Act, 1990 (Act No.119 of 1990) and the National Regulator for Compulsory Specifications Act, 2008 (Act No.5 of 2008), **unless** specific provision is made in these standards to accommodate comparative claims.”

In view of the above the use of words such as “lite”, “reduced”, “extra”, “less” etc. are not permissible on the containers and outer containers containing canned fruit and vegetables since no provision is currently made in the canned fruit and canned vegetables regulations (R.135 of 18/02/2005 and R.1532 of 24/10/2003).

The following dispensation is therefore issued to provide for the use of such claims by manufacturers, importers and retailers under the following conditions specified:

### Dispensation

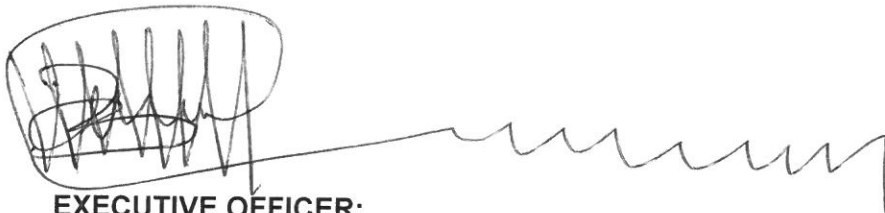
Permission is hereby granted by the Executive Officer: Agricultural Product Standards in terms of section 3(1)(c) of the Agricultural Product Standards Act, 1990 (Act No. 119 of 1990), to all manufactures, importers and retailers of canned fruit and vegetables to make use of comparative claims such as “lite”, “reduced”, “extra”, “less” or words having a similar meaning on containers and outer containers of canned fruit and vegetables as well as in advertisements thereof: Provided that the following conditions are complied with:

- (a) The product shall be compared with a different version of the specific canned fruit or vegetable within the same grade: Provided that if a different version of the specific canned fruit or vegetable of the same grade is not available, the product concerned may be compared with a different fruit or vegetable of the same grade.

- (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, importer or retailer 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 Disinfects Act, 1972 (Act No. 54 of 1972).
- (e) The words "light", and "very light" "extra" shall not be regarded as a comparative claim when used to indicate the packing medium, grade or size.

This permission is subject to the following conditions:

- (a) All other conditions of the relevant regulations shall be complied with.
- (b) It may be withdrawn at any time should a valid complaint be received.
- (c) All manufactures, importers and retailers of canned fruit and vegetables indemnify this Directorate and the Department from any detrimental effect, financially or otherwise, which may emanate as a result of this permission.
- (d) Termination date: When the amendments to the relevant local regulations are published in the Government Gazette.



**EXECUTIVE OFFICER:**  
**AGRICULTURAL PRODUCT STANDARDS ACT, 1990 (ACT 119 OF 1990)**