

DEPARTMENT OF AGRICULTURE, FORESTRY AND FISHERIES

NO. R. 1340

07 DECEMBER 2018

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

**REGULATIONS RELATING TO THE CLASSIFICATION, PACKING AND MARKING OF VINEGAR
AND IMITATION VINEGAR INTENDED FOR SALE IN THE REPUBLIC OF SOUTH AFRICA**

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

- (a) made the regulations in the Schedule;
- (b) determined that the said regulations shall come into operation 12 months after date of publication thereof; and
- (c) read together with section 3(2) of the said Act, repealed the regulations published by Proclamation No. R. 1393 of 15 September 1995 with effect from the date of commencement.

SCHEDULE

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Definitions

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

"**acidity**" means the total acid in vinegar expressed as the chemical compound known as hydrogen acetate or anhydrous acetic acid that requires for complete neutralization of 100 parts per mass, 66,61 parts per mass of pure sodium hydroxide;

"**alcohol**" means ethyl alcohol or ethanol;

"**batch**" means a definite quantity of a commodity produced essentially under the same conditions, and not exceeding 24 hours;

"**container**" means the immediate container in which vinegar or imitation vinegar is packed for sale to the consumer;

"**Executive Officer**" means the officer designated under section 2(1) of the Act;

"**foodstuff**" means a foodstuff as defined under the Foodstuffs, Cosmetics and Disinfectants Act, 1972 (Act No. 54 of 1972);

"**foreign matter**" means any material which is not normally present in vinegar, but excludes foodstuffs which have been intentionally added as allowed for in regulation 4(1)(g);

"**fortified wine**" means wine to which a spirit derived from the fermented juice of the grape vine has been added to such an extent that the alcohol content thereof is at least 15% (v/v) but does not exceed 22% (v/v);

"**geographical indication**" (GI) means an indication (name) protected in terms of an international agreement and which is used on agricultural products intended for sale in the Republic of South Africa;

"**grape must**" means pressed grape juice that contains the skins, seeds, and stems of the fruit;

"**imitation vinegar**" means a product other than vinegar which in general appearance, presentation and intended use corresponds to vinegar but was not made solely by alcoholic fermentation and subsequent acetous bacterial oxidation of any juice, infusion, solution or decoction of plant or animal origin (e.g. food grade glacial acetic acid);

"**inspector**" means the executive officer of the Act or an officer under his or her control, or an assignee or an employee of an assignee;

"**international agreement**" means any bilateral or multilateral treaty, convention, or agreement to which the Republic of South Africa is a party/signatory, and any arrangement between the Republic of South Africa and another country, concerning the protection of geographical indications;

"**outer container**" means a container in which one or more than one container of vinegar or imitation vinegar is packed;

"**oxidation value**" means the ml of 0.002M KMnO_4 (potassium permanganate) that is required to oxidize a sample of 100ml in 30 minutes under standard conditions;

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

"**vinegar**" means the product made solely by alcoholic fermentation and subsequent acetous bacterial oxidation of any juice, infusion, solution or decoction of plant or animal origin containing starch and/or sugar where the end product has an oxidation value >200, but excludes a liquor product as defined in the Liquor Products Act, 1989 (Act No. 60 of 1989); and

"**wine**" means a liquor product which complies with the requirements prescribed in section 5 of the Liquor Products Act, 1989 (Act No. 60 of 1989).

Restrictions on the sale of vinegar and imitation vinegar

2. (1) No person shall, subject to the provisions of subregulation (2), sell vinegar and imitation vinegar in the Republic of South Africa intended for --

- (a) public consumption --
 - (i) unless it is sold according to the classes referred to in regulation 3;
 - (ii) unless it complies with the applicable standards referred to in regulation 4;
 - (iii) unless the containers and outer containers in which it has been packed comply with the requirements referred to in regulation 5;
 - (iv) unless it is marked in the manner and with the particulars referred to in regulation 6; and
 - (v) if it is marked with any restricted particulars or in a manner which is prohibited in terms of regulation 13; or
- (b) delivery by a manufacturer to a packer or use as an ingredient in the manufacture of another foodstuff --
 - (i) unless it is sold according to the classes (e.g. indicated on sales documentation) referred to in regulation 3; and
 - (ii) unless it complies with the applicable standards referred to in regulation 4: Provided that the vinegar may be concentrated.

(2) The Executive Officer may grant written exemption, entirely or partially, to any person on such conditions as he deems necessary, from the provisions of subregulation (1).

PART I**CLASSES OF AND STANDARDS FOR VINEGAR AND IMITATION VINEGAR*****Classes of vinegar and imitation vinegar***

3. Vinegar and imitation vinegar shall be classified according to the following classes:

- (a) Grape vinegar.
- (b) Wine vinegar.
- (c) Spirit vinegar.
- (d) Glucose vinegar.
- (e) Cider, apple cider or apple vinegar.
- (f) Malt vinegar.
- (g) Balsamic vinegar.
- (h) Honey vinegar.
- (i) Rice vinegar.
- (j) Coconut vinegar/Coconut flower vinegar.
- (k) Unspecified vinegar.
- (l) Blended vinegar.

- (m) Imitation vinegar.
- (n) Flavoured vinegar.
- (o) Geographical indication (GI) vinegar.

Standards for classes

4. (1) All classes of vinegar and imitation vinegar –
- (a) shall not have less than 4% (v/v) and not more than 20% (v/v) acidity in the ready to use form;
 - (b) with the exception of imitation vinegar, shall be made solely by alcoholic fermentation and subsequent acetous bacterial oxidation of any juice, infusion, solution or decoction of plant or animal origin containing starch and/or sugar;
 - (c) shall not contain any mineral acid;
 - (d) shall be clear: Provided that –
 - (i) flavoured vinegar may be somewhat turbid/unclear;
 - (ii) unfiltered vinegar may be turbid/unclear: Provided that unfiltered, unpasteurised vinegar may contain some of the jelly like substance that sometimes form during production of the vinegar; and
 - (iii) balsamic vinegar may be turbid/unclear;
 - (e) shall, subject to regulation 7(1)(f) and with the exception of flavoured vinegar (subregulation (15)), have a characteristic flavour and colour of the class of vinegar or imitation vinegar concerned;
 - (f) may contain food additives to the extent permitted under the Foodstuffs, Cosmetics and Disinfectants Act, 1972 (Act No. 54 of 1972); and
 - (g) may contain added foodstuffs.
- (2) Grape vinegar shall consist of vinegar which is solely made from –
- (a) the juice of grapes or dried grapes; or
 - (b) diluted distilled alcohol obtained from the juice of grapes or dried grapes; or
 - (c) fortified wine.
- (3) Wine vinegar shall consist of vinegar which is solely made from wine other than fortified wine.
- (4) Spirit vinegar shall consist of vinegar which is solely made from –
- (a) the juice of cane sugar or molasses; or
 - (b) diluted distilled alcohol obtained from the juice of cane sugar or molasses.
- (5) Glucose vinegar shall consist of vinegar which is solely made from starch, glucose or glucose syrup.
- (6) Cider vinegar, apple cider vinegar or apple vinegar shall consist of vinegar which is solely made from the juice or concentrated juice of apples.
- (7) Malt vinegar shall consist of vinegar which is solely made from whole cereal grain, of which the starch has been converted into fermentable sugar by the direct action of malting.

(8) Balsamic vinegar shall consist of wine vinegar and/or of vinegar which is solely made from grape must: Provided that the vinegar may contain added grape must or juice.

(9) Honey vinegar shall consist of vinegar which is solely made from honey.

(10) Rice vinegar shall consist of vinegar which is solely made from rice.

(11) Coconut vinegar shall consist of vinegar which is made from coconut water with or without the addition of sugar, while coconut flower vinegar shall consist of vinegar made solely from the sap that is tapped from the stems of coconut blossoms.

(12) Unspecified vinegar shall consist of vinegar which is solely made from any juice, infusion, solution or decoction of plant or animal not mentioned in subregulations (2) to (11).

(13) Blended vinegar shall consist of vinegar which is solely made by the blending of two or more of the classes of vinegar mentioned in subregulations (2) to (12), or by the blending of the respective raw materials of such classes prior to alcoholic fermentation and/or subsequent acetous bacterial oxidation.

(14) Imitation vinegar means a product other than vinegar which in general appearance, presentation and intended use corresponds to vinegar but was not made solely by alcoholic fermentation and subsequent acetous bacterial oxidation of any juice, infusion, solution or decoction of plant or animal origin.

(15) Flavoured vinegar shall consist of any of the classes of vinegar mentioned in subregulations (2) to (13), to which flavourings, aromatic plant extracts or plant parts, including spices have been added or which, by leaching of aromatic plant material in the vinegar, has absorbed their flavour characteristics.

(16) Geographical indication (GI) vinegar means vinegar complying with the specifications registered in their country of origin.

PART II

CONTAINERS AND OUTER CONTAINERS

Requirements for containers and outer containers

5. (1) A container, in which vinegar or imitation vinegar is packed, including a tank or bulk container from which vinegar is sold into the container of the buyer, shall --

- (a) be manufactured from a material that --
 - (i) is suitable for this purpose;
 - (ii) will protect the contents thereof from contamination; and
 - (iii) will not impart any undesirable flavour to the contents thereof;
- (b) be so strong that it will not be damaged or deformed during normal storage, handling and transport practices;
- (c) be intact and clean; and
- (d) be closed properly in a manner permitted by the nature thereof.

(2) If containers containing vinegar or imitation vinegar are packed in outer containers, such outer containers shall --

- (a) be intact, clean, neat, suitable and strong enough; and
- (b) not impart any undesirable taste or flavour to the contents thereof.

PART III**MARKING REQUIREMENTS*****Marking of containers and outer containers***

6. (1) Each container in which vinegar or imitation vinegar is packed, shall be marked in at least English, with the following particulars:

- (a) The class designation as specified in regulation 7: Provided that in the case of GI vinegars, the class designation may be indicated in the language of the country from which the vinegar originates.
- (b) The additional particulars on the main panel, where applicable, as specified in regulation 8.
- (c) The name and address as specified in regulation 9.
- (d) The country of origin as specified in regulation 10.
- (e) Traceability as specified in regulation 11.
- (f) Where applicable, the requirements and restrictions for Geographical Indications as specified in regulation 12.
- (g) The nett contents of the vinegar packed in the manner and size as prescribed by the Legal Metrology Act, 2014 (Act No. 9 of 2014).
- (h) An indication of the "best before" and/or "use by" and/or "sell by" date where the integrity and stability of a vinegar is such that it is required: Provided that it shall be indicated in the manner prescribed in the regulations published under the Foodstuffs, Cosmetics and Disinfectants Act, 1972 (Act No. 54 of 1972).
- (i) If any foodstuff or food additive has been added to vinegar, it shall be declared in the ingredients list in the manner prescribed in the regulations published under the Foodstuffs, Cosmetics and Disinfectants Act, 1972 (Act No. 54 of 1972).

(2) The particulars referred to in subregulation (1) and specified in column 1 of Table 1 shall be indicated in detached letters and figures --

- (a) that are in each separate case of the same colour, type, font and size;
- (b) that appear on a uniform and contrasting background;
- (c) that are clearly legible;
- (d) of which the minimum vertical height of the smallest letters or figures in the indication shall be as specified in column 2 of Table 1 opposite the particulars concerned; and
- (e) either on labels that are properly affixed (pasted/glued) to the containers, or that are indelibly marked directly onto the surface of the containers.

(3) A vinegar or imitation vinegar packed in a container of 10ml or less shall be provided with a label indicating the particulars referred to in regulations 7(1), 9 and 11 in a minimum letter size of 1mm (applicable to smallest letters or figures in the indication): Provided that it is packed in an outer container that is marked with all the applicable particulars in the prescribed manner and size.

(4) If a vinegar or imitation vinegar is sold from a tank or bulk container into the container of the buyer, the tank or bulk container from which such vinegar or imitation vinegar is sold shall be marked in the immediate vicinity of the tap with the applicable class designation as specified in regulation 7 and the country of origin as specified in regulation 10.

(5) The particulars referred to in subregulation (1) shall, subject to the provisions of subregulation (2), also be indicated on outer containers if the vinegar or imitation vinegar is intended to be sold, or if there is the possibility that it may be sold to the public in the outer container.

Class designation

7. (1) The class designation for the vinegar or imitation vinegar concerned shall be indicated prominently on the container and shall consist of the applicable class name specified in regulation 3: Provided that –

- (a) in the case of blended vinegar, the class designation shall be indicated as "Blended Vinegar" or "Vinegar Blend" with the names of the various classes of vinegar indicated in descending order of volume used in the blend, as part of or in close proximity to the class designation;
- (b) in the case of unspecified vinegar, the word "Unspecified" shall be substituted with an accurate descriptive name which identifies the plant or animal origin of the vinegar;
- (c) in the case where the plant origin of a vinegar is from a specific variety, the variety may be indicated as origin of the vinegar subject to manufacturing practices that guarantee the true variety origin of the vinegar;
- (d) in the case of imitation vinegar, the term "Acetic Acid" shall appear in the immediate vicinity of the class designation;
- (e) in the case of flavoured vinegar, the class designation shall include a descriptive name which identifies the flavour, clarified by applicable wording such as "flavoured", "with", "infused with", as the case may be;
- (f) in the case where the vinegar is made from distilled alcohol, as in the case of spirit vinegar, grape vinegar or grain vinegar, or any other vinegar where the source material's contribution to the characteristics of the vinegar would be negligible, the class designation "Distilled vinegar" may alternatively be used for these vinegars; and
- (g) in the case of GI vinegar the class designation shall be the GI name(s), as indicated in Table 2, or any other vinegar GI name protected in terms of an international agreement.

(2) The class designation of the vinegar concerned shall, subject to the provisions of regulation 6(2), be prominently indicated, but does not have to be the largest on the container.

(3) If vinegar or imitation vinegar is packed in non-transparent containers, the colour of the vinegar or imitation vinegar (e.g. "brown", "white", "red", etc.) shall be indicated on the container in the immediate vicinity of the class designation and/or as part of the class designation: Provided that in the case of transparent containers this indication is optional, but if indicated it may only appear in the immediate vicinity of the class designation and/or as part of the class designation.

Additional particulars

8. (1) In the case of vinegar or imitation vinegar that requires dilution with water before use, directions for such dilution shall be indicated in the format of "Dilute 1 to x with water" or "Dilute 1 : x with water" where 'x' represents the volume of water required for dilution.

(2) The acidity of the vinegar or imitation vinegar in the container shall be indicated as "X% Acidity" where "X" represents the acidity as described in the definition for acidity.

(3) The word "unfiltered" may only appear on unfiltered vinegar, but it may not be indicated as part of the class designation.

(4) Reference to containing the "mother" may be made on unfiltered, unpasteurised vinegar, but it may not be indicated as part of the class designation.

(5) A vinegar made solely by alcoholic fermentation and subsequent acetous bacterial oxidation of any juice, infusion, solution or decoction of plant and/or animal origin may use the indication "Naturally Fermented" or similar description, but it may not be indicated as part of the class designation.

(6) Subject to the compulsory indication of the class designation as required in regulation 6(1)(a), the container of a vinegar may also in addition to the class designation, but not as part of the class designation, indicate the intended use of the vinegar, such as "Vinegar for", "Ideal for", or any similar description.

Name and address

9. (1) The name or trade name and the address of the manufacturer, packer, seller, importer or distributor of the vinegar or imitation vinegar, or entity on whose behalf it has been packed, shall be indicated: Provided that –

- (a) such address shall be the physical address of the manufacturer, packer, seller, importer or distributor concerned, or entity on whose behalf it has been packed; and
- (b) in the case of imported vinegar or imitation vinegar, the name and physical address of the importer or seller in South Africa shall be indicated.

(2) In exceptional cases where it is not possible to indicate a physical address as required in subregulation (1), a postal address with a telephone number may be used: Provided that the exception can be motivated.

Country of origin

10. (1) The country of origin shall be declared as follows:

- (a) "Product of (name of country)" if all the main ingredients, processing and labour used to make the product are from one specific country;
- (b) "Produced in (name of country)", "Processed in (name of country)", "Manufactured in (name of country)", "Made in (name of country)", or wording having a similar meaning, when the product is processed in a second country which changes its nature; or
- (c) 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 (names of countries)" 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.

(2) The words "Packed in (name of country)" may be used in addition to the requirements of subregulation (1)(a),(b) or (c) above.

(3) The name(s) of the country(ies) referred to in subregulations (1) and (2) may not be abbreviated.

Traceability

11. (1) Each container of vinegar and imitation vinegar shall be identifiable and traceable to such an extent that the factory where the final product was manufactured or packed can be identified.

(2) Each container of vinegar and imitation vinegar shall be clearly marked with a batch identification in such a way that the specific batch is easily identifiable and traceable: Provided that such identification shall be the same for all containers of vinegar or imitation vinegar originating from the same batch.

Geographical indications (GIs)

12. (1) The Geographical Indications (GIs) listed in Table 2 may only be used on the particular vinegar originating from the corresponding country when presented for sale in the Republic of South Africa.

(2) Any direct or indirect commercial use of the GIs listed in Table 2 is prohibited on –

- (a) similar agricultural products which are not covered by an international agreement; and
- (b) dissimilar agricultural products where such use exploits the reputation of the protected name.

(3) Imported vinegars presented for sale under a GI that forms part of an international agreement may show any GI symbol(s), designations and acronyms approved for use for such purpose by the competent authority in the country of origin concerned.

(4) GIs may have different labelling and/or compositional requirements as required by these regulations: Provided that such requirements are included in the product specifications registered for the GI concerned in the country of origin.

(5) This regulation shall be applicable to the GI vinegar products protected under the Merchandise Marks Act, 1941 (Act No. 17 of 1941) until the regulations relating to the protection of geographical indications used on agricultural products intended for sale in the Republic of South Africa in terms of the Agricultural Product Standards Act, 1990 have been published and implemented.

Restriction on the use of certain particulars

13. (1) No word, mark, illustration, depiction or other method of expression that constitutes a misrepresentation or which directly or by implication creates or may create a misleading impression regarding the quality, nature, class or origin of that vinegar or imitation vinegar, shall be marked on a container thereof.

(2) The words "natural", "super", "ultra", "extra", or "pure" or any other word or expression that directly or by implication creates or may create the impression that the vinegar or imitation vinegar is of a special or particular quality, shall not be marked on a container unless the use of the word or expression concerned can be adequately motivated or is part of the trade mark appearing on such a container: Provided that –

- (a) the mentioned trade mark is not indicated in close proximity to the class designation and the compositional indications, such as the % acidity indication or the indication of the classes of vinegar used in "Blended Vinegar";
- (b) the mentioned trade mark does not create or may not create an obvious misleading impression as contemplated in subregulation (1); and
- (c) the indication "Naturally Fermented" as referred to in regulation 8(5) is excluded from this restriction.

(3) No claim regarding the absence of any substance that does not normally occur in a vinegar or imitation vinegar shall be marked on a container thereof: Provided that the word "unpreserved" and/or negative claims allowed in the regulations published under the Foodstuffs, Cosmetics and Disinfectants Act, 1972 (Act No. 54 of 1972), may be indicated.

(4) No class designation other than the applicable class designation may be marked on a container of vinegar or imitation vinegar.

- (5) (a) No depiction of a leaf, fruit animal or any other plant or animal part shall appear on a container of imitation vinegar.
- (b) The provisions of paragraph (a) shall, in the case of imitation vinegar, not be construed so as to include a prohibition on an illustration or depiction of a salad.

(6) Any foodstuff containing vinegar or imitation vinegar as an ingredient that does not comply with the provision of these regulations, may not have its label, packaging, trade name, trade mark or pictorial illustrations so designed as to imply that it is a vinegar or imitation vinegar: Provided that reference may be made to vinegar or imitation vinegar if it is done in a manner that clearly indicates that it is used only as an ingredient in the foodstuff (e.g. by using words such as "with" or "contains").

- (7) The provisions of this regulation shall also *mutatis mutandis* apply to --
- (a) particulars that are marked on an outer container in which one or more separate containers of vinegar or imitation vinegar is packed;
 - (b) particulars that are marked on a notice board displayed at or in the immediate vicinity of a vinegar or imitation vinegar; and
 - (c) all advertisements and any other promotional material related to the sale of a vinegar or imitation vinegar.

PART IV

SAMPLING AND INSPECTION

Sampling

14. (1) (a) An inspector may during the course of an inspection of vinegar and imitation vinegar draw randomly --
- (i) for the purpose of analysis, not more than two samples per batch; and/or
 - (ii) for the purpose of further inspection, as many containers as he or she may deem necessary.
- (b) An inspector shall be satisfied that the samples so drawn are representative of the batch concerned.
- (c) Samples of vinegar and imitation vinegar may be obtained from the trade or directly from the factory or warehouse where such products are stored: Provided that duplication of sampling should be avoided.
- (d) Samples taken for the purpose of analysis shall be --
- (i) suitably sealed to ensure the product is tamper-proof; and
 - (ii) clearly labelled to ensure correct identification.

PART V

ANALYSIS

Analysis

15. (1) The method to be employed and the procedure to be followed in connection with the analysis of vinegar and imitation vinegar for the determination of a property or any other requirement within these regulations shall be based on internationally acceptable reference methods and procedures.

(2) Where the results of the analysis performed confirm compliance with the prescribed compositional requirements for the class of vinegar and imitation vinegar concerned, the whole batch from which the relevant samples were obtained shall be regarded as compliant.

(3) If the results of the analysis performed deviate from the prescribed compositional requirements for the class of vinegar and imitation vinegar concerned, the whole batch from which the relevant samples were obtained shall be regarded as non-compliant.

PART VI
OFFENCES

Offences and penalties

16. Any person who contravenes or fails to comply with the provisions of these regulations shall be guilty of an offence and upon conviction be liable to a fine or imprisonment in accordance with section 11 of the Act.

TABLE 1
LETTER SIZES OF INDICATIONS

NATURE OF PARTICULARS	MINIMUM VERTICAL HEIGHT OF THE SMALLEST LETTERS OR FIGURES IN THE INDICATION
1. Indication of class designation and indications forming part of class designation [Reg. 7(1)]	3,0 mm
2. Indication of the different classes of vinegar in a blended vinegar [Reg. 7(1)(a)]	2,0 mm (or 3,0 mm if part of class designation)
3. Indication of "Acetic Acid" [Reg. 7(1)(d)]	3,0 mm
4. Indication of dilution ratio [Reg. 8(1)]	2,0mm
5. Indication of "X% Acidity" [Reg. 8(2)]	1,0 mm
6. Indication of name or trade name and address [Reg. 9]	1,0 mm
7. Indication of country of origin [Reg. 10]	1,0 mm

Note: Refer to regulation 6(3) for marking requirements and letter size applicable to containers of 10ml and less.

TABLE 2
LIST OF PROTECTED GEOGRAPHICAL INDICATIONS (GIs) FOR VINEGAR
[REG. 12]

Country	GI (Name)
Italy	Aceto Balsamico di Modena
Italy	Aceto balsamico tradizionale di Modena
Any other GI vinegar name that forms part of an international agreement.	