

DEPARTMENT OF AGRICULTURE, FORESTRY AND FISHERIES

STD. No. B-8

AGRICULTURAL PRODUCT STANDARDS ACT, 1990 (ACT No.119 OF 1990)  
STANDARDS AND REQUIREMENTS REGARDING CONTROL OF THE  
EXPORT OF ROOIBOS, GREEN ROOIBOS AND ROOIBOS MIXTURES

The Executive Officer: Agricultural Product Standards has stipulated under section 4(3)(a)(ii) of the Agricultural Product Standards Act, 1990 (Act No.119 of 1990), the standards regarding the quality and the requirements regarding the packing, marking and labelling of rooibos, green rooibos and rooibos mixtures.

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STANDARDS AND REQUIREMENTS REGARDING CONTROL OF THE EXPORT OF ROOIBOS, GREEN ROOIBOS AND ROOIBOS MIXTURES AS STIPULATED BY GOVERNMENT NOTICE No. R.1983 OF 23 AUGUST 1991

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## Definitions

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

"agro-chemical residues" means residues of agro-chemical remedies which in terms of the Fertilizers, Farm Feeds, Agricultural Remedies and Stock Remedies Act, 1947 (Act No.36 of 1947), are permissible for the treatment of pests and diseases on rooibos and which, subject to the provisions in item 5(a) and (b), do not exceed the maximum residue limits specified in the regulations published under the Foodstuffs, Cosmetics and Disinfectants Act, 1972 (Act No. 54 of 1972);

"assignee" means a person, undertaking, body, institution, association or board designated under section 2(3) of the Agricultural Product Standards Act, 1990 (Act No.119 of 1990);

"batch" means a definite quantity of rooibos, green rooibos or rooibos mixtures produced essentially under the same conditions, and which do not exceed a period of 24 hours;

"bulk container" means a bulk bag or collapsible bin manufactured from any suitable material that is used to transport/store/handle rooibos, green rooibos and rooibos mixtures for the purpose of re-packing;

"consignment" means a quantity of rooibos, green rooibos or rooibos mixtures which is delivered at any one time under the cover of the same delivery note or receipt note, or is delivered by the same vehicle, or if such a quantity is subdivided into different production groups, each quantity of each of the different production groups;

"container" means the immediate container in which rooibos, green rooibos or rooibos mixtures are packed and includes retail packaging, but excluding the tea bag in the case of rooibos, green rooibos or rooibos mixtures packed in tea bags, ready-to-use capsules or any other intermediate protective packaging;

"Executive Officer" means the officer designated under section 2(1) of the Agricultural Product Standards Act, 1990 (Act No. 119 of 1990);

"food additive" means a food additive as defined and permitted for in the regulations published under the Foodstuffs, Cosmetics and Disinfectants Act, 1972 (Act No. 54 of 1972);

"Food Business Operator" (FBO) means the person or persons responsible for ensuring that the prescribed requirements of these standards are met within the food business under his or her control and include both the management of the food

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business as well as the person with overall authority on site or in the specific establishment;

"Food Business Operator code" means an alpha-numeric code which needs to be uniquely identified and has been registered with the Executive Officer of the Act by each responsible person (FBO) producing or handling in any way products of plant origin destined for the export market. Examples include farms, fields, processing facilities, storage units, transportation, etc.;

"foreign matter" means any matter not derived from the rooibos plants: Provided that in the case of rooibos mixtures, any added herbs or spices, other herbal teas and permitted food additives shall not be regarded as foreign matter;

"green rooibos" means the product obtained from the needle-like leaves and fine stems of the plant *Aspalathus linearis* (also known as *A. contaminatus*) or *Borbonia pinifolia* after it has been cut, bruised, and dried or not, but which has not been fermented;

"grocery list" means a consignment consisting of rooibos and/or green rooibos and/or rooibos mixtures packed in retail packaging and exported as part of a consignment also containing other foodstuffs;

"herbs" means either fresh or dried non-toxic leafy green or flowering parts of a plant used for among others the flavouring of foodstuffs;

"inspector" means the Executive Officer, or an officer under his or her control or an Assignee or an employee of an Assignee;

"letters" also means figures and symbols;

"milled rooibos" means the product obtained when dry rooibos or green rooibos is milled or granulated;

"moisture content" means the percentage of moisture as determined in terms of item 15;

"other herbal tea" means all of the recognised herbal teas suitable for blending with rooibos or green rooibos, including but not limited to Honeybush (*Cyclopia* genus), the generally consumed tea plant (*Camelia sinensis*), chamomile (*Matricaria retutica* or *Chamaemelum nobile*), Buchu (*Agathosma Betulina*), etc.;

"outer container" means a suitable container which contains one or more containers of rooibos, green rooibos or rooibos mixtures;

"packer" means a person dealing in the course of trade with rooibos, green rooibos or rooibos mixtures by packing it for sale, and also a person on behalf of whom such product is packed for sale;

"processor" means the person responsible for processing the harvested rooibos or green rooibos for the purpose of export;

"representative sample" means the quantity of material obtained after a quantity of rooibos, green rooibos or rooibos mixtures has been sampled as set out in item 11;

"retail packaging" means a suitable container with a capacity of not more than 1kg in which loose rooibos, green rooibos, rooibos mixtures or tea bags with rooibos, green rooibos or rooibos mixtures are packed which are ready for sale;

"rooibos" means the product obtained from the needle-like leaves and fine stems of the plant *Aspalathus linearis* (also known as *A. contaminatus* or *Borbonia pinifolia*) whether it has been cut, bruised, fermented, dried and milled or not, but excludes rooibos dust presented for export on its own;

"rooibos dust" means the rooibos material that passes through a 60 mesh sieve (i.e. <60 mesh) which is not sterilized and is intended for industrial use only;

"rooibos mixtures" means rooibos or green rooibos blended with herbs, spices and/ or other herbal teas, and include rooibos or green rooibos with permitted food additives;

"sampling instrument" means any suitable instrument that is used to take samples from bulk containers, and include sampling pins;

"sampling pin" means a single or double-tubed pin of suitable length with multiple apertures on one side of the tube or on both tubes;

"spices" means dried, pungent or aromatic substances of edible plant origin (i.e. from the root, stem, bulb, bark or seeds) primarily used for flavouring, colouring or preserving foodstuffs;

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

"trade mark" means a trade mark as defined in section 2(1) of the Trade Marks Act, 1993 (Act No.194 of 1993);

"validity period" means the period for which the analyses report of an approved batch will be valid as set out in item 11(6); and

"working sample" means the quantity of material which is obtained by dividing a representative sample with a multiple-slot divider as set out in item 12.

**Scope**

2. These standards and requirements relate to rooibos, green rooibos and rooibos mixtures in respect of which an approval for the export thereof is required in terms of section 4 of the Act.

**Requirements for Approval**

3. (1) An approval referred to in section 4 of the Act may be issued in respect of a consignment of rooibos, green rooibos or rooibos mixtures if --

- (a) the consignment concerned complies with the quality and food safety requirements set out in items 4 and 5;
- (b) the containers, outer containers and bulk containers in which a consignment concerned is packed, comply with the requirements set out in items 6 and 7;
- (c) the consignment concerned complies with the traceability requirements set out in item 8;
- (d) the containers, outer containers and bulk containers in which a consignment concerned is packed, are marked in accordance with the marking requirements set out in item 9;
- (e) the containers, outer containers and bulk containers are not marked with any restricted particulars referred to in item 10;
- (f) sampling is done in a manner set out in items 11, 12 and 13;
- (g) the working samples are inspected according to the methods of inspection set out in items 14 and 15;
- (h) a consignment concerned has been presented for inspection in accordance with the Regulations regarding Control of the Export Processed Products;
- (i) confirmation has been received that the Requirements regarding Food Hygiene and Food Safety Programmes for Regulated Agricultural Food Products of Plant Origin Intended for Export have been met; and
- (j) an inspector has, after an inspection of the consignment concerned in terms of the regulations referred to in paragraphs (h) and (i), found that the provisions of these standards and requirements have been complied with.

(2) If a consignment concerned was inspected in terms of the regulations referred to in subitem (1)(h) and an inspector finds that one or more provisions of these standards and requirements have not been complied with, the consignment shall be rejected for export.

(3) The Executive Officer may grant written exemption, entirely or partially to any person on such condition as he or she may deem necessary, from the provisions of subitem (1).

## QUALITY AND FOOD SAFETY REQUIREMENTS

### Quality and Microbiological Standards

4. (1) Rooibos, green rooibos and rooibos forming part of mixtures destined for export shall originate from the types known as the Nortier type and Cederberg type that are derived from selected and improved rooibos plants which are cultivated in plantations.

(2) Rooibos, green rooibos and rooibos mixtures shall be subject to the following requirements: Provided that if the prescribed maximum limits of an importing country are stricter, the stricter limits of the importing country shall be complied with:

- (a) The percentage foreign matter shall not exceed 1% (m/m).
- (b) The moisture content shall not exceed 10%.
- (c) *Salmonella* organisms shall be absent in a sample of 25g.
- (d) The total viable bacterial count shall not exceed 300 000 colony forming units per gram: Provided that in the case of rooibos mixtures containing herbs and/or spices the total viable bacterial count shall not exceed 1 000 000 colony forming units per gram.
- (e) *Escherichia coli* organisms shall be absent in a sample of 1g.
- (f) Shall not contain any insects or parts of insects.

(3) Rooibos dust shall not be subject to —

- (a) the quality and microbiological standards prescribed in subitem (2); and
- (b) the maximum agro-chemical residue limits prescribed in item 5.



**Chemical Treatment**

5. The types of rooibos referred to in item 4(1) may be treated with agro-chemical remedies in terms of the Fertilizers, Farm Feeds, Agricultural Remedies and Stock Remedies Act, 1947 (Act No. 36 of 1947), that are permissible for the treatment of pests and diseases and shall not exceed the maximum agro-chemical residue limits as specified in the regulations published under the Foodstuffs, Cosmetics and Disinfectants Act, 1972 (Act No.54 of 1972): Provided that --

- (a) if the prescribed maximum agro-chemical residue limits of an importing country is lower than the limits specified in the regulations published under the Foodstuffs, Cosmetics and Disinfectants Act, 1972 (Act No.54 of 1972) the prescribed maximum agro-chemical residue limits of the importing country shall apply; and
- (b) the Executive Officer may grant written permission for rooibos, green rooibos or rooibos mixtures with a higher limit, to be exported to a country or countries where such higher limit is permissible: Provided further that the producer or exporter shall sign a declaration in which it is stated that the rooibos, green rooibos or rooibos mixtures with higher limits will be exported only to a country or countries where these higher limits are permissible.

**REQUIREMENTS FOR CONTAINERS, OUTER CONTAINERS AND BULK CONTAINERS****General**

6. The containers, outer containers and bulk containers in which rooibos, green rooibos and rooibos mixtures are exported shall --

- (a) be manufactured from a material that --
  - (i) will protect the contents thereof from contamination; and
  - (ii) will not impart any undesirable flavour and/or odour to the contents thereof;
- (b) be strong enough that it will not tear or break during normal storage, handling and transport practices;
- (c) be intact, excluding holes made by a sampling pin in the case of a bulk container which shall be duly closed;
- (d) be new, neat, clean, and dry; and
- (e) be closed properly in a manner permitted by the nature thereof.

### **Palletising of Outer Containers and Bulk Containers**

7. (1) If outer containers or bulk containers containing rooibos, green rooibos or rooibos mixtures are palletised -
- (a) the pallets shall be clean, undamaged and suitable;
  - (b) the pallets shall be free from any visible signs of fungus growth;
  - (c) the outer containers shall be stacked firmly, square with each other and the pallet;
  - (d) the bulk containers shall be stacked firmly on the pallets;
  - (e) only outer containers of the same dimensions shall be stacked on the same layer; and
  - (f) the outer containers or bulk containers shall not be stacked upside down on the pallet.

### **Strapping of Pallet Loads**

- (2) A pallet load of outer containers or bulk containers shall be strapped in a suitable manner.

## **TRACEABILITY REQUIREMENTS**

8. All producers, processors, packers and exporters shall --
- (a) establish the traceability of rooibos, green rooibos and rooibos mixtures at all stages of production, processing, packing, handling and distribution;
  - (b) be able to identify any person or supplier from whom they have obtained the rooibos, green rooibos or rooibos mixtures, or any substance intended to, or expected to be used in the production or processing of the rooibos, green rooibos or rooibos mixtures concerned;
  - (c) have in place systems and procedures to identify businesses to which their rooibos, green rooibos or rooibos mixtures have been supplied;
  - (d) ensure that adequate procedures are in place to withdraw rooibos, green rooibos or rooibos mixtures from the market where such

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- rooibos, green rooibos or rooibos mixtures presents a serious risk to the health of consumers;
- (e) immediately withdraw rooibos, green rooibos or rooibos mixtures which were identified as food products that present a serious risk to the health of consumers;
  - (f) immediately inform the Executive Officer of a withdrawal mentioned in paragraph (e);
  - (g) immediately make available to the Executive Officer, on request, any relevant information or documentation mentioned in paragraphs (a), (b), (c), (d), (e) or (f); and
  - (h) keep records of the information mentioned in paragraph (g), as well as any other relevant information for at least two years.

## **MARKING REQUIREMENTS**

### **Appearance and Legibility**

9. (1) The prescribed marking requirements shall be indicated as follows on every container, outer container and bulk container:
- (a) In detached, clearly legible and indelible letters.
  - (b) At least in English and/or in a foreign language, if so requested by the importer: Provided that if indicated in a foreign language, a written English translation of the marking requirements concerned shall be submitted to the inspector prior to inspection.

### **Containers**

- (2) Containers containing rooibos, green rooibos or rooibos mixtures shall be marked with the following particulars:
- (a) The name or trade mark of the packer: Provided that if rooibos, green rooibos or rooibos mixtures has been packed on behalf of a person or entity the name or trade name of the person or entity on whose behalf the rooibos, green rooibos or rooibos mixtures has been packed shall appear on the container.
  - (b) The physical address of the packer: Provided that if rooibos or rooibos mixtures has been packed on behalf of a person or entity, the physical address of the person or entity on whose behalf the rooibos, green rooibos or rooibos mixtures has been packed shall appear on

the container.

- (c) A true description of the contents thereof: Provided that in the case of rooibos mixtures –
  - (i) the types of tea(s) shall be declared in descending order of mass; and
  - (ii) the descriptive name for the distinctive flavour concerned shall be indicated as part of the product description where a permitted food additive has been added in order to render a distinctive flavour thereto.
- (d) An indication of the net mass.
- (e) The country of origin indicated as "Product of South Africa", or wording having a similar meaning: Provided that no abbreviations or the expression "South Africa" on its own shall be used.
- (f) The date of processing, packing, expiry date and/or best before date of the rooibos, green rooibos or rooibos mixtures or the number of the production group concerned.
- (g) The Food Business Operator Code (FBOC): Provided that such a code shall be preceded by expressions such as "Drying facilities (DF)", "Dry storage facilities (DSF)", "Exporter (EXPO)", "Production Unit Code (PUC)", "Off farm packhouse [PHC (OFF)]", "Processing plant (PROCES)" as the case may be.

### **Outer Containers**

(3) If one or more containers containing rooibos, green rooibos or rooibos mixtures are packed in an outer container, such an outer container shall be marked with the following particulars:

- (a) The number of containers packed therein.
- (b) The size of each such container or the net mass of the contents thereof.
- (c) The name or trade mark of the packer: Provided that if rooibos, green rooibos or rooibos mixtures has been packed on behalf of a person or entity, the name or trade name of the person or entity on whose behalf the rooibos, green rooibos or rooibos mixtures has been packed shall appear on the container.
- (d) The physical address of the packer: Provided that if rooibos or green

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rooibos or rooibos mixtures has been packed on behalf of a person or entity, the physical address of the person or entity on whose behalf the rooibos, green rooibos or rooibos mixtures has been packed shall appear on the container.

- (e) A true description of the contents thereof: Provided that in the case of rooibos mixtures –
  - (i) the types of tea(s) shall be declared in descending order of mass; and
  - (ii) the descriptive name for the distinctive flavour concerned shall be indicated as part of the product description where a permitted food additive has been added to the rooibos in order to render a distinctive flavour thereto.
- (f) The country of origin indicated as "Product of South Africa", or wording having a similar meaning: Provided that no abbreviations or the expression "South Africa" on its own shall be used.
- (g) The Food Business Operator Code (FBOC): Provided that such a code shall be preceded by expressions such as "Drying facilities (DF)", "Dry storage facilities (DSF)", "Exporter (EXPO)", "Production Unit Code (PUC)", "Off farm packhouse [PHC (OFF)]", "Processing plant (PROCES)" as the case may be.

(4) In the case of transparent outer containers where the particulars on the containers are visible from the outside, the requirements of subitem (3) need not be complied with.

### **Bulk Containers**

(5) Each bulk container in which rooibos, green rooibos or rooibos mixtures is packed, or a label that has been securely tied or affixed to such a bulk container, shall be marked with the following particulars:

- (a) A true description of the contents thereof: Provided that in the case of rooibos mixtures --
  - (i) the types of tea(s) shall be declared in descending order of mass; and
  - (ii) the descriptive name for the distinctive flavour concerned shall be indicated as part of the product description where a permitted food additive has been added in order to render a distinctive flavour thereto.

- (b) The physical address of the packer: Provided that if rooibos or rooibos mixtures has been packed on behalf of a person or entity, the physical address of the person or entity on whose behalf the rooibos, green rooibos or rooibos mixtures has been packed shall appear on the container.
- (c) An indication of the net mass.
- (d) The date of processing or packing of the rooibos, green rooibos or rooibos mixtures or the number of the production group concerned.
- (e) The country of origin indicated as "Product of South Africa", or wording having a similar meaning: Provided that no abbreviations or the expression "South Africa" on its own shall be used.
- (f) The Food Business Operator Code (FBOC): Provided that such a code shall be preceded by expressions such as "Drying facilities (DF)", "Dry storage facilities (DSF)", "Exporter (EXPO)", "Production Unit Code (PUC)", "Off farm packhouse [PHC (OFF)]", "Processing plant (PROCES)", as the case may be.

(6) If the country to which the rooibos, green rooibos or rooibos mixtures are exported prescribes marking requirements with regard to the marking of containers, outer containers and/or bulk containers which differ from the marking requirements prescribed above, the containers, outer container and/or bulk containers containing the rooibos, green rooibos or rooibos mixtures may, notwithstanding the provisions of these standards and requirements, be marked in a manner so prescribed.

### **Restricted Particulars**

10. No word, mark, trademark, brand name, illustration, depiction or any 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, composition or origin of that rooibos, green rooibos or rooibos mixtures shall appear on a container, outer container or bulk container of rooibos, green rooibos or rooibos mixtures.

## **SAMPLING**

### **Sample size**

11. (1) For the purpose of inspection, grading and sampling for quality control an inspector shall take such samples of a product, material, substance or other article in question as he or she may deem necessary.

### **Sampling of Retail Packaging packed in an Outer Container**

- (2) (a) For the purpose of determining foreign matter content, moisture content, and the presence of insects or parts of insects, unopened/sealed retail packs shall randomly be taken from the outer containers selected.
- (b) Combine and thoroughly/evenly mix the contents of the total number of retail packs selected under paragraph (a) to form a representative sample.

### **Sampling of Retail Packaging forming part of a 'Grocery list'**

(3) When a consignment qualifying as a 'grocery list' is presented for inspection, the same sampling procedure set out in subitem (2) shall apply.

### **Sampling of Bulk Containers**

- (4) (a) For the purpose of determining foreign matter content, moisture content and the presence of insects or parts of insects, each bulk container selected shall be sampled by making use of a sterilised sampling pin or another suitable sampling instrument to obtain an aggregate sample.
- (b) Combine and thoroughly/evenly mix the total number of aggregate samples obtained under paragraph (a) to form a representative sample.

### **Continuous Sampling by a Pneumatic Sampler**

(5) An inspector may for the purpose of determining foreign matter content, moisture content and the presence of insects or parts of insects, use samples obtained by means of a pneumatic sampler (i.e. sterile samples of a specific size are automatically abstracted from the packing line at regular intervals), and combine and thoroughly/evenly mix such samples to form a representative sample: Provided that the samples taken shall be representative of the production lot concerned.

### **Obtaining a Working Sample**

- 12. (1) A working sample shall be obtained by dividing the representative sample or deviating sample obtained with a multiple-slot divider.
- (2) The division of a sample with a multiple-slot divider shall be done by—

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- (a) placing the sample in an empty collecting tray;
  - (b) placing an empty collecting tray underneath each of the two sets of the multiple-slot divider's chutes;
  - (c) pouring the sample container in the collecting tray referred to in paragraph (a) through the multiple-slot divider; and
  - (d) repeatedly pouring that part of the sample that is collected at one selected set of chutes, through the multiple-slot divider after the collecting tray in which it was collected has been exchanged for an empty collecting tray unit and a working sample of the required size is obtained.
- (3) The remaining portion of the sample, after the working sample has been obtained, shall be clearly marked and safely stored separately in order to ensure traceability of the sample.
- (4) A multiple-slot divider referred to in subitem (1), shall –
- (a) be provided with chutes –
    - (i) that are fixed with the long sides of the openings against each other with divisions between, the adjoining chutes of not more than 3mm thick; and
    - (ii) that are arranged in such a manner that every chute empties in the opposite direction to the chutes adjoining it, in order to obtain two sets of chutes equal in number that empties in opposite directions to each other.; and
  - (b) be provided with a wall approximately 100mm high around the top of the group of chutes.

### **Deviating Sample**

13. If an inspector should notice during the process of drawing random samples or during the inspection that any of the quantities of the rooibos, green rooibos or rooibos mixtures taken from any container are obviously inferior to or differ from the samples abstracted from the remainder of the containers, he or she shall base the inspection result only on the samples abstracted from the containers of the deviating portion and further samples required for inspection shall be drawn from the deviating portion.



## METHODS OF INSPECTION

### Determination of Foreign Matter

14. The percentage of foreign matter in a quantity of rooibos, green rooibos or rooibos mixtures shall be determined as follows:

- (a) Measure off at least 10g from the working sample.
- (b) Remove all foreign matter and determine the mass thereof.
- (c) Express the mass thus determined as a percentage of the sample measured in subitem (a).
- (d) Such percentage shall represent the foreign matter in the quantity concerned.

### Determination of Moisture Content

15. (1) The moisture content of a quantity of rooibos, green rooibos or rooibos mixtures may be determined according to any suitable internationally recognised and acceptable methods and procedures (e.g. ISO, AOAC, etc.).

(2) The results obtained in subitem (1) shall correspond with the results obtained by the AOAC Official Method to determine moisture in Tea, namely AOAC 925.19: Provided that a maximum deviation of 0,3% in the results is permissible.

### Validity period of approved batches

16. (1) If a recognised food safety system is in place an inspector may grant, with each approved batch, a maximum validity period of --

- (a) 12 months in the case of rooibos, green rooibos or rooibos mixtures packed in retail packaging; and
- (b) 8 months in the case of rooibos, green rooibos or rooibos mixtures packed in bulk containers.

(2) Notwithstanding the validity period allowed for in subitem (1), re-evaluation of batches may be done at any time if the inspector has any reason to believe that the quality of the batch concerned has deteriorated or that the batch does not comply with these standards and requirements.