
GENERAL NOTICES • ALGEMENE KENNISGEWINGS

DEPARTMENT OF AGRICULTURE, FORESTRY AND FISHERIES

NOTICE 1202 OF 2015

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

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

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

- (a) made the regulations in the Schedule; and
- (b) determined that the said regulations shall come into operation 12 months after the date of publication.

SCHEDULE

Definitions

1. In these regulations, unless inconsistent with the context, any word or expression to which a meaning has been assigned in the Act, shall have that meaning, and --

"Arthropod" means any stage in the life cycle of an invertebrate member of the animal kingdom that is bilaterally symmetrical with a segmented body, with jointed limbs that are paired, and a chitinous external skeleton;

"blemish" means any external skin defect on the surface of the litchi which detrimentally affects the appearance of the litchi;

"consignment" means --

- (a) a quantity of litchis of the same cultivar, belonging to the same owner and delivered at the same time under cover of the same delivery note, consignment note or receipt note, or delivered by the same vehicle, or
- (b) in the case of a quantity of litchis which is divided into different cultivars, classes, pallet loads, trademarks or types of packaging, every quantity of each of the different cultivars, classes, pallet loads, trademarks or types of packaging;

"container" means the immediate container in which litchis are packed directly and the outer container in which prepacked units are packed and bulk containers, excluding prepacked units and shipping containers in which pallet loads are shipped;

"decay" means a state of decomposition, fungus development, internal insect infestation or internal insect damage, with signs of tissue collapse or insect excrement, which detrimentally affects the quality of the litchis;

"diameter" means the largest diameter measured at right angles to the longitudinal axis of the litchi;

"dirty fruit" means litchis that are visibly soiled or marked with foreign matter;

"double litchi" means more than one litchi that is attached to the same stem. The individual fruits must each have their own pips;

"foreign matter" means any material or substance not normally present in, on or between the litchis;

"**injury**" means any wound on the skin of the litchi which exposes the flesh, as well as insect puncture marks which have pierced the skin, with the exception of such wounds which have become completely callused;

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

"**litchi**" means the fruit of the cultivars which are grown from the species *Litchi chinensis*;

"**prepacked unit**" means any single packing unit for presentation as such to the consumer consisting of litchis and the packaging into which the litchis were put before being offered for sale;

"**suitable**" means to be appropriate for a particular purpose according to the opinion of the Executive Officer;

"**sunburn**" means a condition on the surface of the skin of a litchi giving it a yellow, brown or black colour and which is caused by excessive exposure to the sun;

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

"**unspecified defects**" means any quality factor detrimentally affecting the quality of the fruit; and

"**well-developed**" means that the litchi has a shape which is typical of the cultivar concerned.

Restrictions on the sale of litchis

2. (1) No person shall sell litchis in the Republic of South Africa --
 - (a) unless the litchis are sold according to the classes referred to in regulation 3;
 - (b) unless the litchis comply with the requirements regarding quality referred to in regulation 4;
 - (c) unless such litchis are packed in a container and in the manner prescribed in regulations 5, 6, 7, 8 and 9;
 - (d) provisions concerning presentation as set out in regulation 10;
 - (e) unless such litchis are marked with the particulars and in the manner prescribed in regulation 11.
- (2) Litchis sold by vendors in streets and other public places (excluding retails, supermarkets, distribution centres) are excluded from the stipulations in subregulation 2(1)(a), (b), (c), (d) and (e): Provided that if such litchis are marked in terms of item 11 and 12 it shall be subjected to the aforementioned stipulations.
- (3) Imported litchis may be exempted from the provisions of subregulation (1), provided that the litchis --
 - (a) comply with either the Codex Alimentarius, UNECE (United Nations Economic Commission for Europe) or OECD (Organisation for Economic Co-operation and Development) standards; and
 - (b) according to bilateral agreement accompanied by certificate issued by a relevant government authority responsible for quality control of fresh fruit and vegetables and in which it is certified that the quality of the litchis as verified through inspection conforms to the relevant standard;
- (4) 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 QUALITY STANDARDS

These standards shall be complied with at the packhouse stage or upon arrival in the municipal markets or any similar setting and/or conveyance.

Classes of litchis

3. There are three classes of litchis, namely "Class 1", "Class 2" and "Lowest Class".

Standards for classes of litchis

4. (1) "Class 1" and "Class 2" --

- (a) shall respectively comply with the quality standards for classes, permissible cultivars, diameters and other requirements set out in Tables 1 and 3 of this Schedule; and
- (b) may deviate from the specifications prescribed in paragraph (a), to the extent set out in Table 2 of the Annexure.

(2) "Lowest Class" litchis shall comprise of litchis that do not comply with the specific standards and requirements for "Class 1" and "Class 2" mentioned in subregulation (1), but which are still edible, intact, normal in appearance and free from any foreign or off-flavours and odours which indicate the presence of decay.

Physical hazards

(4) No consignment of litchis classified as "Class 1", "Class 2" or "Lowest Class" shall contain any foreign matter in excess of the tolerance as set out in Table 1.

PART II PACKING REQUIREMENTS

Requirements for containers

5. (1) Litchis shall be packed in containers that are:

- (a) suitable, clean, undamaged;
- (b) not impart a foreign taste or odour to the litchis;
- (c) strong and rigid enough to ensure that the original shape shall be retained and shall not bulge out, dent in, break or tear during normal storage, handling or transport; and
- (d) provided with suitable lids, where applicable.

Packing requirements

6. (1) Litchis in the same container shall be uniform with regard to ripeness, shape, size, appearance and cultivar.

(2) Each container shall be packed to capacity.

(3) If litchis are packed in prepacked units, such units shall be packed in a suitable manner in an outer container: Provided that the prepacked units are clean, dry, undamaged and suitable.

(4) Where applicable, not more than 15 per cent of the ventilation holes of the carton containers in a consignment may be blocked by unpunched-out portions and/or litchis.

Packing material

7. If packing material is used inside the container such packing material shall be new, clean, dry, odourless, and not transmit to the litchis any harmful substance or any substance that may be injurious to litchis.

Stacking of containers on pallets

8. If containers containing litchis are palletised --
- (a) the pallet shall be clean, undamaged, suitable and not transmit to the litchis any harmful substance or any substance that may be injurious to human health;
 - (b) pallets manufactured from wood shall be free from bark;
 - (c) the pallet shall be free from any visible signs of fungal growth;
 - (d) the pallet shall be free from Arthropod infestation;
 - (e) the containers shall be stacked firmly and square with each other and with the pallet;
 - (f) only containers of the same dimensions shall be stacked in the same layer on the pallet; and
 - (g) containers shall not be stacked upside-down on the pallet

Strapping of pallet loads

9. (a) A pallet load of containers shall be strapped in a suitable manner.
- (b) If containers without lids are being used, a suitable covering may be placed on top of the pallet load of containers before the pallet load is strapped.

Provisions concerning presentation

10. (1) Uniformity

The contents of each package must be uniform and contain only litchis of the same origin, variety, quality and size (if sized) and the same degree of ripeness. The visible part of the contents of the package must be representative of the entire contents.

MARKING REQUIREMENTS

11. (1) Each container including prepacked units containing litchis shall be marked clearly, neatly, indelibly, legibly, on any visible short or long side of the lid or container, where lids are not used, by printing, stamping or by means of specially designed labels with the following particulars: Provided that all particulars shall be grouped on the same side:

- (a) the expression "Litchis", "Lychees", or other common name relating to *Litchi chinensis*: Provided that if the contents are visible from the outside, this expression does not have to be indicated on the container;
- (b) the appropriate cultivar/ variety;
- (c) the expression "Class 1", "Class 2" or "Lowest Class", as the case may be;
- (d) the name and physical or postal address of the producer, packer or owner of the contents of the container;
- (e) the country of origin; Provided that no abbreviations or the expression "South

Africa" on its own shall be used (e.g. "Product of South Africa", "Produced in South Africa", or any other similar expression; and

- (f) the applicable date of packing/ date code or an internationally recognised code.

(2) If containers are marked by means of affixing labels thereupon, such labels shall be clean and securely attached and shall not be superimposed on other labels.

Prohibited particulars

12. No person shall use any name, word, expression, reference, particulars or indication in any manner, either by itself or in conjunction with any other written, printed, illustrated or visual material, in connection with the sale of a product in a manner that conveys or creates or is likely to convey or create a false or misleading impression as to the nature, substance, quality or other properties, or the class or grade, origin, identity or manner or place of production, of that product.

Display

13. (1) If litchis in containers for sale are being displayed, such container shall be placed in such a manner to ensure that the prescribed markings on the containers or labels, as the case may be, are clearly visible.

(2) If litchis are displayed for sale other than in containers, --

- (a) any quantity thereof of a particular class or cultivar, as the case may be, shall not be so displayed mixed with litchis of any other class or cultivar; and
- (b) the class and cultivar of such quantity of litchis shall be displayed in clear legible letters on a notice board prominently placed at such quantity of litchis.

PART III SAMPLING PROCEDURES

Obtaining a sample of the consignment

14. An inspector shall draw at random for inspection purposes at least two per cent of the containers in a consignment and shall be satisfied that the containers so drawn are representative of the consignment concerned.

Obtaining an inspection sample

15. An inspection sample shall be drawn from each container obtained in accordance with regulation 14 and shall, in the case of --

- (a) containers with 20 litchis or less consists of the entire contents of the container; or
- (b) containers with more than 20 litchis, consists of 20 litchis drawn at random from the container .

Deviating sample

16. If an inspector should notice during the process of drawing the random sample or during the inspection, that some of the containers derived from any part of the pallet load, truck load or consignment contain litchis which are noticeably inferior to or differ from the contents of containers which represent the remainder of the pallet load, truck load or consignment, the inspection result shall be based only on the containers derived from the deviating portion of the pallet load, truck load or consignment and further samples required for inspection shall be drawn from this deviating portion.

PART IV
INSPECTION METHODS

Determination of uniformity in size

17. The uniformity in size of litchis in the same container is determined by --
- (a) drawing 20 litchis from the sample drawn in accordance with regulation 14;
 - (b) placing the 20 individual fruit with the stem-end facing upwards on the appropriate opening of a suitable measuring apparatus. The diameter of any litchi that falls through the opening by the action of gravity shall be deemed to be smaller than required; and

PART V
OFFENCE AND PENALTIES

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

Appeal

19. (1) Any person who appeals in terms of section 10(1) of the Act against a decision or direction of an inspector, shall submit a written notice of appeal to an inspection within one day after he has been notified of the said decision or direction unless that day falls on a Saturday, Sunday or public holiday in which case the appeal shall be submitted on the first following working day.

(2) Such person shall pay the prescribed fee with the inspector or at any office of the Executive Officer or the Assignee, as the case may be: Provided that such fee shall be paid in terms of each separate consignment, and provided further that if the notice of appeal and the fee are not submitted and paid within the period specified in subregulation (1), the appellant shall lose his right of appeal.

(3) An inspector may apply any mark or marks which he may deem necessary for identification purposes to the litchis in respect of which an appeal has been submitted, or to the containers thereof, and such litchis shall not without his consent, be removed from the place where they were inspected or where they are stored.

(4) The Executive Officer shall designate at least three persons to serve as an appeal board.

(5) Such an appeal board shall give the appellant or his representative at least two hours notice of the time and place determined for the hearing of the appeal and may, after the litchis concerned have been produced and identified and all interested parties have been heard, instruct all persons to leave the place where the appeal is being considered: Provided that the appeal board may make use of persons to assist in an advisory capacity.

(6) An appeal board shall decide an appeal within 48 hours (excluding Sundays and public holidays) after it was submitted, and its decision shall be final.

(7) If the litchis concerned are not produced at the time and place determined by the appeal board, the amount paid in respect thereof shall be forfeited.

ANNEXURE

TABLE 1

QUALITY STANDARDS

Quality factor	Class 1	Class 2	Lowest Class
(a) Appearance	Attractive, clean, firm, fresh and true to cultivar	Attractive, fresh, clean and true to cultivar	-
(b) Shape	Characteristic of the cultivar concerned	Characteristic of the cultivar concerned	Characteristic of the cultivar concerned
(c) Minimum diameter	29 mm (except Wai Chee: 27 mm)	25 mm	20 mm
(d) Maturity	Ripe and firm with an acceptable taste but not overripe	Not overripe	Edible
(e) Foreign matter	May deviate to the extent as set out in Table 2	May deviate to the extent as set out in Table 2	May deviate to the extent as set out in Table 2
(f) Uniformity of size in the same container	Uniform: Provided that litchis in the same container shall not differ in more than 6 mm in diameter from one another	Uniform: Provided that litchis in the same container shall not differ in more than 10 mm in diameter from one another	-
(g) Skin discolouration	Free from excessive discolouration: Provided that the discolouration of the tips of the papillae (projecting parts) on the skin, as well as the light brown stains which contrast slightly with the skin colour, is ignored	Free from excessive discolouration: Provided that the discolouration of the tips of the papillae (projecting parts) on the skin, as well as the light brown stains which contrast slightly with the skin colour, is ignored	-
(h) Absence of stem	The stem may be absent but the flesh from where the stem detachment occurred shall be intact	The stem may be absent but the flesh from where the stem detachment occurred shall be intact	-
(i) Fruit with torn-out stalks	May deviate to the extent as set out in Table 2	May deviate to the extent as set out in Table 2	-
(j) Long stems	Shall not extend beyond the natural point of abscission	Shall not extend beyond the natural point of abscission	Shall not extend beyond the natural point of abscission

Quality factor	Class 1	Class 2	Lowest Class
(k) Light blemishes	May be no worse than photo 3 of Set 3 of the colour charts.	May be no worse than photo 4 of Set 3 of the colour charts.	-
(l) Darker blemishes, including blue sulphur marks	May be no worse than photo 3 of set 5 of the colour charts	May be no worse than photo 7 of set 5 of the colour charts.	-
(m) Double litchis	Maximum allowed as depicted in photos. 1, 2, 3, 9 and 10 of set 6 of the colour charts	Set 6 No. 1-10 Maximum allowed as depicted in photos 1-10 if set 6 of the colour charts	-
(n) Incomplete sulphur treatment	Maximum allowable as depicted in photo 2 of set 7 of the colour charts	The fruit shall remain edible	The fruit shall remain edible
(o) Unspecified internal quality defects not mentioned above	May deviate to the extent as set out in Table 2	May deviate to the extent as set out in Table 2	May deviate to the extent as set out in Table 2
(p) Unspecified appearance defects not mentioned above	May deviate to the extent as set out in Table 2	May deviate to the extent as set out in Table 2	May deviate to the extent as set out in Table 2

Note

- No specification

TABLE 2
PERMISSIBLE DEVIATIONS BY NUMBER

Quality factor	Class 1	Class 2	Lowest Class
(a) Decay	3%	6%	10%
(b) Injuries	5%	8%	12%
(c) Unspecified internal quality defects	5%	8%	15%
(d) Double litchis	5%	10%	-
(e) Absence of stem	10%	15%	-
(f) Appearance, malformation, maturity, foreign matter, serious skin discolouration, blemishes, blue sulphur marks or unspecified appearance defects, collectively	10%	12%	-
(g) Minimum diameter:			
(aa) Between 29 mm and 26 mm	15%	15%	-
(bb) Smaller than 22 mm (excluded double litchis)	0%	5%	-
(h) Torn out fruit stalks: maximum allowable	Maximum allowable: Photo. 1 -10% Photo. 2 - 6% Photo. 3 - 3%/ of Set 4 of the colour charts	Maximum allowable: Photo. 1 -15% Photo. 2 - 10% Photo. 3 - 6% of Set 4 of the colour charts	-
(i) Lack of uniformity in size in the same container	10%	15%	-
(j) Incomplete sulphur treatment	5%	10%	-
(k) Sooty mould	3%	5%	12%
(l) Deviations from marking and packing requirements, individually	10%	10%	10%
(m) unpunched out ventilation holes	15%	15%	-

	Quality factor	Class 1	Class 2	Lowest Class
(n)	Deviations from items (a), (b), and (c) of this table collectively: Provided that such deviations shall individually be within the specified limits	5%	8%	16%
(o)	Deviations in items (a), (b), (d), (e), (f), (h) and (j) of this table, including unspecified defects collectively: Provided that such deviations shall individually be within the specified limits	10%	15%	20%

TABLE 3
PERMISSIBLE CULTIVARS

Cultivars
Maclean's Red / Mc Lean Red / Madras
Mauritius / HLH Mauritius / Taisoa / Daisoa
Fay Zee Siu / Feizixiao / Luotangpu / Yuhehao
Wai Chee / Waichee / Huashi
Third Month Red / Sanyuehong / Zaongugo / Yuhehoa / Wuyuehong
Chenzi / Brewster / Floridian
Guiwee / Dailu
Early Delight
Any other suitable cultivar not mentioned above and that has been approved by the Executive Officer: Agricultural Product Standards.