



agriculture, forestry & fisheries

Department:
Agriculture, Forestry and Fisheries
REPUBLIC OF SOUTH AFRICA

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

TO: A. ALL MANUFACTURERS, PACKERS, IMPORTERS AND RETAILERS OF EDIBLE ICES
B. DIRECTORATE INSPECTION SERVICES
C. NEJAHMOGUL TECHNOLOGIES AND AGRIC SERVICES (ASSIGNEE)

FROM: Thabang Rampa E-MAIL: thabangk@daff.gov.za
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NO. 2 DATE: 24 November 2017
PAGES:

Subject

INDUSTRY DISPENSATION: (a) RELAXATION OF THE EXISTING ICE CREAM COMPOSITIONAL REQUIREMENTS FOR NON-DAIRY ICE CREAMS; AND (b) LABELLING OF NON-DAIRY EDIBLE ICES UNDER THE CLASSES ICE CREAM AND FROZEN DESSERT

1. BACKGROUND

(a) Compositional requirements for non-dairy ice cream

On a number of occasions, the Department has been approached by non-dairy ice cream manufacturers to assist with the correct classification of their products. This is due to the fact that non-dairy ice creams are not able to comply with all prescribed minimum compositional requirements for the class "ice cream". The underlined provisions of the below stated regulation 4(3)(a)(iii) in R.78 is currently prohibiting the compliance alluded to above:

"(iii) Ice –cream mix shall contain at least 33%(m/m) total solids of which at least 20% must be milk solids non-fat; and"

(b) Labelling of non-dairy edible ices

The manufacturers of non-dairy ice cream also requested guidance from the Department on whether it will be permissible to use claims such as "dairy-free" on their packaging as part of the class designation, so as to adequately inform the consumer and to clearly/ easily distinguish it from ice cream also containing butter fat. Currently regulation R.78 does not allow for the indication of the expression "dairy-free" as an addition to the class designation.

Based on the two above-mentioned issues, the Department has come to a decision to grant a concession to (i) relax the compositional requirements under the existing "ice cream" class for non-dairy ice cream products **only**, and (ii) allow the claim "dairy-free" to be indicated as an addition to the class designation for the classes "ice cream" and "frozen dessert" **only**.

2. 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 manufacturers, packers, importers and retailers of Edible Ices to apply the following changes to regulations R.78 of 08 February 2013:

(a) Regulation 4(3)(a)(iii) – Ice Cream Mix and Ice Cream

Shall read as follows:

“(iii) shall contain at least 33% (m/m) total solids: Provided that in the case of an ice-cream mix containing butter fat, at least 20% of the total solids must be milk solids non-fat [e.g. $20/100 \times 33/1 = 6.6\%$ (min) for a product containing 33% total solids, etc.]; and

(b) Regulation 6(1)(b) – Additions to the class designation

The following subparagraph is hereby inserted after subparagraph 6(1)(b)(iv):

*“(v) If the classes “ice-cream” and “frozen dessert” contain no butter fat i.e. plant fat only, the expression “non-dairy”, “dairy-free”, or wording having a similar meaning **may** precede the applicable class designation or alternate class designation.”*

3. 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 manufacturers, packers, importers and retailers of Edible Ices 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 next amendment to regulation R.78 is published in the Government Gazette.


EXECUTIVE OFFICER:
AGRICULTURAL PRODUCT STANDARDS ACT