

GOVERNMENT NOTICES GOEWERMENTSKENNISGEWINGS

DEPARTMENT OF AGRICULTURE DEPARTEMENT VAN LANDBOU

No. R. 636

30 June 2000

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

REGULATIONS REGARDING CONTROL OVER THE SALE OF MAYONNAISE AND SALAD DRESSING 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;
- (b) repealed the regulations published by Government Notice No. R. 865 of 27 June 1997; and
- (c) determined that the said regulations shall come into operation twelve months after date of publication hereof.

SCHEDULE

Definitions

In these regulations, unless the contents indicates otherwise, any word or expression to which a meaning has been assigned in the Act, shall have that meaning, and —

"consignment" means a quantity of mayonnaise or salad dressing of the same type, that is delivered at any one time under cover of the same consignment note, delivery note or receipt note, or is delivered by the same vehicle, or if such a quantity is subdivided into different production groups, types or packing sizes, each quantity of each of the different production groups, types or packing sizes;

"container" means the immediate container into which mayonnaise or salad dressing is packed for sale;

"egg" means the whole egg or egg yolk, in liquid, frozen or dried form, of a hen of the species *Gallus domesticus*;

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

"letters" also means figures and symbols;

"modified milk protein" means milk protein precipitated by acidification and neutralised by means of an alkali to form sodium, potassium or calcium caseinate;

"outer container" means a container, other than a gift pack, that contains more than one container of mayonnaise or salad dressing;

"packer" means a person dealing in the course of trade with mayonnaise or salad dressing by manufacturing or packing it for sale, and also a person on behalf of whom mayonnaise or salad dressing is manufactured or packed for sale and, in the case of mayonnaise or salad dressing that is imported into the Republic of South Africa, the person importing it for sale;

"per cent" means per cent by volume;

"permitted" means permitted in terms of the Foodstuffs, Cosmetics and Disinfectants Act, 1972 (Act No. 54 of 1972);

"production group" in relation to mayonnaise and salad dressing, means a quantity of containers marked with the same code mark;

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

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

Restriction on the sale of mayonnaise and salad dressing

2. (1) No person shall sell mayonnaise or salad dressing in the Republic of South Africa—
- (a) unless such product complies with the quality standards specified in regulation 3;
 - (b) unless the containers in which such product is packed, comply with the requirements referred to in regulation 4;
 - (c) unless such product is marked with the particulars and in the manner referred to in regulation 5; and
 - (d) if such product is marked with particulars with which it may not be marked.
- (2) The executive officer may exempt a person in writing, entirely or partially and on such conditions as he or she deems necessary, from the provisions of subregulation (1).

Quality standards

3. (1) Mayonnaise—
- (a) shall contain —
 - (i) at least 52 per cent edible vegetable oil;
 - (ii) permitted acidifying agent; and
 - (iii) either egg or modified milk protein; and
 - (b) may contain the following permitted ingredients singly or in combinations thereof:
 - (i) water;
 - (ii) salt;
 - (iii) mustard;
 - (iv) spices and other harmless flavourants;
 - (v) herbs;
 - (vi) vegetables;
 - tomato paste or tomato purée;
 - monosodium glutamate;
 - (ix) permitted sweeteners;
 - (x) permitted food colourants and permitted preservatives; and

permitted stabilisers or thickeners:

Provided that the above-mentioned ingredients shall be added to the extent permitted under the Foodstuffs, Cosmetics and Disinfectants Act, 1972 (Act No. 54 of 1972).

- (2) Reduced oil mayonnaise shall —
- (a) contain not more than 39 per cent and not less than 25 per cent edible vegetable oil; and
 - (b) subject to the provisions of paragraph (a), comply with all the quality standards prescribed in subregulation (1).
- (3) Salad cream —
- (a) shall contain —
 - (i) at least 25 per cent edible vegetable oil;
 - (ii) permitted acidifying agent;
 - (iii) either egg or modified milk protein; and
 - (iv) starch paste prepared from food starch, modified food starch, tapioca flour, wheat flour, rye flour, or a combination thereof: Provided that water may be added in the preparation of such paste; and
 - (b) may contain any of the ingredients as prescribed in subregulation (1)(b): Provided that the ingredients shall be added to the extent permitted under the Foodstuff, Cosmetics and Disinfectants Act, 1972 (Act No. 54 of 1972).
- (4) Reduced oil salad cream shall —
- (a) contain not more than 18 per cent and not less than 13 per cent edible vegetable oil; and
 - (b) subject to the provisions of paragraph (a), comply with all the quality standards prescribed in subregulation (3).
- (5) Salad dressing —
- (a) shall contain not more than 50 per cent and not less than 12 per cent edible vegetable oil; and
 - (b) may contain the following permitted ingredients singly or in combinations thereof —
 - (i) permitted acidifying agent;
 - (ii) water;
 - salt;
 - (iv) mustard;
 - (v) spices and other harmless flavourants;
 - (vi) herbs;
 - vegetables;
 - tomato paste or tomato purée;

- monosodium glutamate;
- (x) permitted sweeteners;
- permitted food colourants and permitted preservatives;
- permitted stabilisers or thickeners;
- either egg or modified milk protein;
- modified starch; and
- milk solids:

Provided that the ingredients shall be added to the extent permitted under the Foodstuffs, Cosmetics and Disinfectants Act, 1972 (Act No. 54 of 1972).

(6) Reduced oil salad dressing —

- (a) shall contain not more than 12 per cent and not less than 0,5 per cent edible vegetable oil; and
- (b) may contain any of the ingredients as prescribed in subregulation (5)(b): Provided that the ingredients shall be added to the extent permitted under the Foodstuffs, Cosmetics and Disinfectants Act, 1972 (Act No. 54 of 1972).

(7) Oil-free salad dressing —

- (a) shall contain not more than 0,5 per cent edible vegetable oil; and
- (b) may contain any of the ingredients as prescribed in subregulation (5)(b): Provided that the ingredients shall be added to the extent permitted under the Foodstuffs, Cosmetics and Disinfectants Act, 1972 (Act No. 54 of 1972).

Requirements for containers

4. (1) Containers for mayonnaise and salad dressing shall—

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- (a) be manufactured from suitable material;
 - (b) be intact, clean, suitable and strong enough for the packing and normal handling of mayonnaise and salad dressing;
 - (c) be properly closed and sealed; and
 - (d) not pass on to the product any odour, taste, colour or other foreign characteristics during processing or distribution.
- (2) If containers are packed in outer containers, such outer containers shall be clean, neat, intact and strong enough not to tear or break during normal handling thereof.

Marking requirements

5. (1) Each container shall be marked in clear, legible and indelible letters with the following particulars:

- (a) The name or trade mark of the packer.
- (b) The physical address of the packer.

- (c) A true description of the product: Provided that —
- (i) the word "salad" may be substituted by a descriptive name for the product concerned; and
 - (ii) where an ingredient has been added that imparts a special or characteristic flavour to the product, this shall be indicated by an appropriate term in conjunction with or in close proximity to the product name.
- (d) The type of vegetable oil together with the vegetable oil content thereof.
- (e) An indication of the net mass or net volume depending on the product, as required in terms of the Trade Metrology Act, 1973 (Act No. 77 of 1973).
- (f) The date of processing or packing of the mayonnaise or salad dressing, or the number of the production group concerned.
- (g) The country of origin.
- (2) In the case of reduced oil mayonnaise and reduced oil salad cream with comparative claims, the following additional particulars shall be marked on the container in clear, legible and indelible letters:
- (a) A statement of the amount of difference in the edible vegetable oil content: Provided that it shall appear in close proximity to the comparative claim.
 - (b) The appropriate nutritional information to substantiate the claim, as required in terms of the Foodstuffs, Cosmetics and Disinfectants Act, 1972 (Act No. 54 of 1972).
- (3) In the case of salad dressing with comparative claims, the appropriate nutritional information to substantiate the claim as required in terms of the Foodstuffs, Cosmetics and Disinfectants Act, 1972 (Act No. 54 of 1972) shall be marked on the container in clear, legible and indelible letters.
- (4) The word "Vinaigrette" may be used as a synonym for the word "salad dressing": Provided that the acidifying agent shall include wine vinegar and it is declared accordingly in the ingredients list.
- (5) If one or more containers are packed in an outer container, such outer container shall be marked in clear, legible and indelible letters with the following particulars:
- (a) The name or trade mark of the packer.
 - (b) The physical address of the packer.
 - (c) A true description of the contents: Provided that when such outer container contains assorted kinds of mayonnaise or salad dressing, words signifying the assortment concerned shall be marked thereon.
 - (d) An indication of the net mass or net volume depending on the product, as required in terms of the Trade Metrology Act, 1973 (Act 77 of 1973).
 - (e) The number of containers packed therein.
- (6) In the case of transparent outer containers where the particulars on the containers are visible from the outside, the requirements of subregulation (5) need not be complied with.

Prohibited particulars

6. (1) No word, mark, illustration, depiction or other method of expression that constitutes a misrepresentation or directly or by implication creates or may create a misleading impression regarding the quality, nature, origin or composition of the mayonnaise or salad dressing, shall be marked on a container or outer container of such product.
- (2) If a comparative claim such as "reduced", "less than", "lite" or words with a similar meaning appear on a container containing mayonnaise, salad cream or salad dressing, the product concerned shall comply with the quality standards and the marking requirements for the reduced categories concerned.

Offences and penalties

7. 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.

Other legislation

8. The provisions of these regulations shall be in addition to and not in substitution for regulations published under the Foodstuffs, Cosmetics and Disinfectants Act, 1972 (Act No. 54 of 1972).

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No. R. 636

30 Junie 2000

**WET OP LANDBOUPRODUKSTANDAARDE, 1990
(WET No. 119 VAN 1990)**

**REGULASIES BETREFFENDE BEHEER OOR DIE VERKOOP VAN
MAYONNAISE EN SLAISOUS IN DIE REPUBLIEK VAN SUID-AFRIKA**

Die Minister van Landbou het, kragtens artikel 15 van die Wet op Landbouproduktstandaarde, 1990 (Wet No. 119 van 1990)—

- (a) die regulasies in die Bylae uitgevaardig;
- (b) die regulasies gepubliseer by Goewermentskennisgewing No. R. 865 van 27 Junie 1997, herroep; en
- (c) bepaal dat die genoemde regulasies twaalf maande na datum van publikasie hiervan, in werking sal tree.

BYLAE

Woordomskrywing

In hierdie regulasies, tensy uit die samehang anders blyk, het enige woord of uitdrukking waaraan 'n betekenis in die Wet geheg is, daardie betekenis, en beteken --

"besending" 'n hoeveelheid mayonnaise of slaaisous van dieselfde tipe, wat op 'n bepaalde tydstip gelewer word onder dekking van dieselfde vragbrief, afleweringbrief of ontvangsbewys, of gelewer word deur dieselfde voertuig, of indien so 'n hoeveelheid ingedeel is in verskillende produksiegroepe, tipes of verpakkingsgroottes, elke hoeveelheid van elk van die verskillende produksiegroepe, tipes of verpakkingsgroottes;

"buitehouer" 'n houer, anders as 'n geskenkpak, wat meer as een houer mayonnaise of slaaisous bevat;

"die Wet" die Wet op Landbouproduktstandaarde, 1990 (Wet No. 119 van 1990);

"eier" die heel eier of eiergeel, in vloeibare, bevrore of gedroogde vorm, van 'n hen van die spesie *Gallus domesticus*;

"gemodifiseerde melkproteïen" melkproteïen gepresipiteer deur aansuring en geneutraliseer deur middel van 'n alkali om natrium-, kalium- of kalsiumkaseïnaat te vorm;

"handelsmerk" 'n handelsmerk soos omskryf in artikel 2(1) van die Wet op Handelsmerke, 1993 (Wet No. 194 van 1993);

"houer" die onmiddellike houer waarin mayonnaise of slaaisous vir verkoop verpak is;

"inspekteur" die uitvoerende beampte of 'n beampte onder sy of haar beheer, of 'n gemagtigde of 'n werknemer van sodanige gemagtigde;

"letters" ook syfers en simbole;

"persent" persent volgens volume;

"produksiegroep" met betrekking tot mayonnaise en slaaisous, 'n hoeveelheid houers wat met dieselfde kodemerk gemerk is;

"veroorloof" veroorloof kragtens die Wet op Voedingsmiddels, Skoonheidsmiddels en Ontsmettingsmiddels, 1972 (Wet No. 54 van 1972); en

"verpakker" 'n persoon wat met mayonnaise of slaaisous as 'n besigheid handel deur dit vir verkoop te vervaardig of te verpak, en ook 'n persoon ten behoeve van wie mayonnaise of slaaisous vir verkoop vervaardig of verpak word en, in die geval van mayonnaise of slaaisous wat in die Republiek van Suid-Afrika ingevoer is, die persoon wat dit vir verkoop invoer.

Beperking op die verkoop van mayonnaise en slaaisous

2. (1) Niemand mag mayonnaise of slaaisous in die Republiek van Suid-Afrika verkoop nie —
- (a) tensy sodanige produk aan die gehaltestandaarde in regulasie 3 voorgeskryf, voldoen;
 - (b) tensy die houers waarin sodanige produk verpak is, aan die vereistes in regulasie 4 voorgeskryf, voldoen;
 - (c) tensy sodanige produk gemerk is met die besonderhede en op die wyse soos in regulasie 5 bedoel; en
 - (d) indien sodanige produk gemerk is met besonderhede waarmee dit nie gemerk mag word nie.
- (2) Die uitvoerende beampte kan 'n persoon skriftelik, in die geheel of gedeeltelik en op die voorwaardes wat hy of sy nodig ag, van die bepalings van subregulasie (1) vrystel.

Gehaltestandaarde

3. (1) Mayonnaise —
- (a) moet —
 - (i) minstens 52 persent eetbare plantolie;
 - veroorloofde aansuurmiddel; en
 - eier of gemodifiseerde melkproteïen bevat; en
 - (b) mag die volgende veroorloofde bestanddele afsonderlik of in kombinasies daarvan, bevat —
 - (i) water;
 - (ii) sout;
 - mosterd;
 - (iv) speserye en ander onskadelike geurmiddels;
 - (v) kruie;
 - (vi) groente;
 - tamatiepasta of tamatiepuree;
 - (viii) mononatriumglutamaat;
 - (ix) veroorloofde versoeters;
 - (x) veroorloofde voedselkleurstowwe en veroorloofde bederfwerende middels; en
 - (xi) veroorloofde stabiliseerders of verdikkers:

Met dien verstande dat bogenoemde bestanddele in die mate wat kragtens die Wet op Voedingsmiddels, Skoonheidsmiddels en Ontsmettingsmiddels, 1972 (Wet No. 54 van 1972) toelaatbaar is, bygevoeg word.

- (2) Verminderde olie mayonnaise —
- (a) mag nie meer as 39 persent en nie minder as 25 persent eetbare plantolie bevat nie; en

- (b) moet, behoudens die bepalings van paragraaf (a), voldoen aan al die gehaltestandaarde in subregulasie (1) voorgeskryf.
- (3) Slaairoom —
- (a) moet —
- (i) ten minste 25 persent eetbare plantolie;
 - (ii) veroorloofde aansuurmiddel;
 - (iii) eier of gemodifiseerde melkproteïen; en
 - (iv) stysel pasta berei van voedselstysel, gemodifiseerde voedselstysel, tapiokameel, koringmeel, rogmeel, of 'n kombinasie daarvan bevat: Met dien verstande dat water tydens die bereiding van so 'n pasta bygevoeg mag word; en
- (b) mag enige van die bestanddele in subregulasie (1)(b) voorgeskryf, bevat: Met dien verstande dat die bestanddele in die mate wat kragtens die Wet op Voedingsmiddels, Skoonheidsmiddels en Ontsmettingsmiddels, 1972 (Wet No. 54 van 1972) veroorloof is, bygevoeg moet word.
- (4) Verminderde olie slaairoom —
- (a) mag nie meer as 18 persent en nie minder as 13 persent eetbare plantolie bevat nie; en
- (b) moet, behoudens die bepalings van paragraaf (a), voldoen aan al die gehaltestandaarde in subregulasie (3) voorgeskryf.
- (5) Slaaisous —
- (a) moet nie meer as 50 persent en nie minder as 12 persent eetbare plantolie bevat nie; en
- (b) mag die volgende veroorloofde bestanddele afsonderlik of in kombinasies daarvan, bevat —
- (i) veroorloofde aansuurmiddel;
 - (ii)
 - (iii)
 - (iv) mosterd;
 - (v) speserye en ander onskadelike geurmiddels;
 - (vi) kruie;
 - (vii) groente;
 - (viii) tamatiepasta of tamatiepuree;
 - (ix) mononatriumglutamaat;
 - (x) veroorloofde versoeters;
 - (xi) veroorloofde voedselkeurstowwe en veroorloofde bederf-werende middels;
 - (xii) veroorloofde stabiliseerders of verdikkers;
 - (xiii) eier of gemodifiseerde melkproteïen;

(xiv) gemodifiseerde stysel; en

(xv) melkvastestowwe:

Met dien verstande dat die bestanddele in die mate wat kragtens die Wet op Voedingsmiddels, Skoonheidsmiddels en Ontsmettingsmiddels, 1972 (Wet No. 54 van 1972) veroorloof is, bygevoeg moet word.

(6) Verminderde olie slaaisous—

(a) mag nie meer as 12 persent en nie minder as 0,5 persent eetbare plantolie bevat nie; en

(b) mag enige van die bestanddele soos in subregulasie (5)(b) voorgeskryf, bevat: Met dien verstande dat die bestanddele in die mate wat kragtens die Wet op Voedingsmiddels, Skoonheidsmiddels en Ontsmettingsmiddels, 1972 (Wet No. 54 van 1972) veroorloof is, bygevoeg moet word.

(7) Olievrye slaaisous—

(a) mag nie meer as 0,5 persent eetbare plantolie bevat nie; en

(b) mag enige van die bestanddele soos in subregulasie (5)(b) voorgeskryf, bevat: Met dien verstande dat die bestanddele in die mate wat kragtens die Wet op Voedingsmiddels, Skoonheidsmiddels en Ontsmettingsmiddels, 1972 (Wet No. 54 van 1972) veroorloof is, bygevoeg moet word.

Vereistes vir houers

4. (1) Houers vir mayonnaise en slaaisous moet—

(a) vervaardig wees van geskikte materiaal;

(b) onbeskadig, skoon, geskik en sterk genoeg wees vir die verpakking en normale hantering van mayonnaise en slaaisous;

(c) behoorlik toegemaak en verseël wees; en

(d) nie enige ongewenste reuk, smaak, kleur of ander vreemde karaktereienskap tydens prosessering of verspreiding aan die produk oordra nie.

(2) Indien houers in buitehouers verpak word, moet sodanige buitehouers skoon, netjies, onbeskadig en sterk genoeg wees sodat dit nie gedurende normale hantering daarvan sal skeur of breek nie.

Merkvereistes

5. (1) Elke houer moet in duidelike, leesbare en onuitwisbare letters met die volgende besonderhede gemerk word:

(a) Die naam of handelsmerk van die verpakker.

(b) Die fisiese adres van die verpakker.

(c) 'n Juiste beskrywing van die produk: Met dien verstande dat—

(i) die woord "slaai" deur 'n beskrywende naam vir die betrokke produk vervang mag word; en

(ii) waar 'n bestanddeel bygevoeg is wat 'n spesiale of kenmerkende geur aan die produk verleen, moet dit by wyse van 'n toepaslike term saam met die produknaam of in die onmiddellike nabyheid van die produknaam aangedui moet word.

(d) Die tipe plantolie tesame met die plantolie-inhoud daarvan.

- (e) 'n Aanduiding van die netto massa of netto volume afhangende van die produk, soos vereis in terme van die Wet op Handelsmetrologie, 1973 (Wet No. 77 van 1973).
 - (f) Die datum van verwerking of verpakking van die mayonnaise of slaaisous, of die nommer van die betrokke produksiegroep.
 - (g) Die land van herkoms.
- (2) In die geval van verminderde olie mayonnaise en verminderde olie slaairoom met vergelykende aansprake, moet die volgende besonderhede in duidelike, leesbare en onuitwisbare letters op die houër gemerk word:
- (a) 'n Verklaring van die verskil in hoeveelheid van die eetbare plantolie-inhoud: Met dien verstande dat dit in die onmiddellike nabyheid van die vergelykende aanspraak moet voorkom.
 - (b) Die toepaslike voedingsinligting om die verklaring te staaf, soos in terme van die Wet op Voedingsmiddels, Skoonheidsmiddels en Ontsmettingsmiddels, 1972 (Wet No. 54 van 1972) vereis.
- (3) In die geval van slaaisous met vergelykende aansprake, moet die toepaslike voedingsinligting om die verklaring te staaf soos ingevolge die Wet op Voedingsmiddels, Skoonheidsmiddels en Ontsmettingsmiddels, 1972 (Wet No. 54 van 1972) vereis, in duidelike, leesbare en onuitwisbare letters op die houër gemerk wees.
- (4) Die woord "Vinaigrette" mag as sinoniem vir die woord "slaaisous" gebruik word: Met dien verstande dat die aansuurmiddel wynasyn moet insluit en dit dienooreenkomstig in die bestanddelelys aangedui word.
- (5) Indien een of meer houers in 'n buitehouer verpak word, moet sodanige buitehouer in duidelike, leesbare en onuitwisbare letters met die volgende besonderhede gemerk wees:
- (a) Die naam of handelsmerk van die verpakker.
 - (b) Die fisiese adres van die verpakker.
 - (c) 'n Juiste beskrywing van die inhoud: Met dien verstande dat wanneer sodanige buitehouer 'n verskeidenheid soorte van mayonnaise of slaaisous bevat, woorde wat op die betrokke verskeidenheid dui, daarop gemerk moet word.
 - (d) 'n Aanduiding van die netto massa of netto volume afhangende van die produk, soos vereis in terme van die Wet op Handelsmetrologie, 1973 (Wet No. 77 van 1973).
 - (e) Die aantal houers daarin verpak.
- (6) In die geval van deursigtige buitehouers waar die besonderhede op die houers van buite sigbaar is, hoef die vereistes van subregulasie (5) nie nagekom te word nie.

Verbode besonderhede

6. (1) Geen woord, merk, illustrasie, afbeelding of ander metode van begripsuitdrukking wat 'n wanvoorstelling uitmaak of regstreeks of by implikasie 'n misleidende indruk met betrekking tot die gehalte, aard, oorsprong of samestelling van die mayonnaise of slaaisous skep of kan skep, mag op 'n houër of buitehouer van so 'n produk gemerk word nie.
- (2) Indien 'n vergelykende aanspraak soos "verminder", "minder as", "lig" of woorde met 'n ooreenstemmende betekenis op 'n houër wat mayonnaise, slaairoom of slaaisous bevat, verskyn, moet die betrokke produk aan die gehaltestandaarde en die merkvereistes van die betrokke verminderde kategorie voldoen.

Misdrywe en strawwe

7. Iemand wat die bepalings van hierdie regulasies oortree of versuim om daaraan te voldoen is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met 'n boete of met gevangenisstraf ooreenkomstig artikel 11 van die Wet.

Ander wetgewing

8. Die bepalings van hierdie regulasies is aanvullend tot en nie ter vervanging nie van regulasies gepubliseer onder die Wet op Voedingsmiddels, Skoonheidsmiddels en Ontsmettingsmiddels, 1972 (Wet No. 54 van 1972).