

Highlighted in **Red – newly introduced changes;**
Green - old provisions moved to new position; and
Blue – crossed out provisions.

DEPARTMENT OF AGRICULTURE, **LAND REFORM AND RURAL DEVELOPMENT**

STD. No. A-1

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

STANDARDS AND REQUIREMENTS REGARDING CONTROL
OF THE EXPORT OF DAIRY PRODUCTS

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), these standards regarding the quality of dairy products and the requirements regarding the packing, marking and labelling thereof.

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STD. No. A-1

STANDARDS AND REQUIREMENTS REGARDING CONTROL
OF THE EXPORT OF DAIRY PRODUCTS AS STIPULATED BY
GOVERNMENT NOTICE No. R. 1983 OF 23 AUGUST 1991

Amendment

Notice No. 713 of 14 August 2015 (2015 -1)

Notice No. XXX (2015-2)

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Definitions

1. Any word or expression in these standards and requirements to which a meaning has been assigned in the Act, shall have that meaning and --

"address" means a physical address and includes the street or road number or name and the name of the town, village or suburb and, in the case of a farm, the name or number of the farm and of the magisterial district in which it is situated;

"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 dairy products produced essentially under the same conditions, and which do not exceed a period of 24 hours;

"class designation" means a class designation, alternative class designation or the type of dairy product specified in the dairy products regulations;

"composite dairy product" means a product consisting of a combination of a primary dairy product and another foodstuff, the solids of which are not intended to replace any part of the milk solids of that primary dairy product;

"consignment" means a quantity of dairy products of the same type which is delivered at any one time under the 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 lots, classes or packing sizes, each quantity of each of the different production groups, each quantity of each of the different production ~~groups; lots, classes or packing sizes;~~

"container" means any packaging of dairy product directly in contact with the product for delivery as a single item and includes wrappers and multipacks; ~~when such is offered to the consumer;~~

"dairy product" means a primary dairy product, a modified dairy product or a composite dairy product intended for human consumption;

"dairy products regulations" means the latest regulations relating to the classification, packing and marking of dairy products and imitation dairy products intended for sale in the Republic of South Africa published under section 15 of the Agricultural Product Standards Act, 1990 (Act No. 119 of 1990);

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

"inspector" means the Executive Officer or an officer under his or her control, or an

assignee or an employee of an assignee;

"main panel" means that part of the container or outer container that bears the brand or trade name of the product in greatest prominence or any other part of the container or label that bears the brand or trade name in equal prominence;

"milk" means the normal secretion of the mammary glands of bovines, goats or sheep or other milking animals;

"milk solids" means the solids of milk after the removal of the moisture;

"modified dairy product" means a product that, in so far as it relates to general appearance, presentation and intended use, corresponds to a primary dairy product, and of which not more than 50 per cent of the fat content, protein content and/or carbohydrate content has respectively been obtained from a source other than a primary dairy product;

"multipack" means a packaging other than an outer container which consist of multiple individual containers of 150 ml/g or less of the same type of dairy product in individual containers and is intended to be consumed separately and is sold as one unit only;

"outer container" means any packaging other than gift packs or hamper packs containing individual containers or multipacks whether it completely or partially encloses the containers or multipacks;

"primary dairy product" means milk or a product that has been derived or manufactured solely from milk, and to which no substances other than permitted food additives not intended to replace any part of the milk solids in that product are added, and includes a product that consists of a combination of two or more such products;

"small or mini serving container" means a container in which a single serving portion of not more than 50ml fluid or not more than 30g solid of a dairy or imitation dairy product is packed which is intended for use mainly by, but not limited to, the catering and hospitality industries as well as hospitals, and includes mini milk pods, cheese wedges and mini butter tubs; and

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

Scope

2. These standards and requirements shall relate to dairy products in respect of which an approval for the export thereof is required in terms of section 4 of the Act.

Requirements for approval

3. An approval referred to in section 4 of the Act may be issued in respect of a consignment of dairy products if --

- (a) the dairy products comprising that consignment have been classified in accordance with the dairy products regulations;
- (b) the dairy products comply with the standards regarding the quality thereof set out as explained in item 4;
- (c) those dairy products have been packed in containers and outer containers which comply with the requirements set out explained in item 5;
- (d) the containers and outer containers concerned have been marked in accordance with the requirements set out explained in item 6;
- (e) that the consignment was presented for inspection in accordance with the provisions of the Regulations regarding Control of the Export of dairy Animal Products; and
- (f) an inspector has, after an inspection in terms of the said regulations, found that the provisions of these standards and requirements have been complied with in respect of the consignment concerned.

Quality standards

4. Dairy products intended for export shall comply with the classes of and standards regarding the composition and quality thereof as prescribed in the dairy products regulations.

Requirements for containers and outer containers

5. (1) A container or outer container in which a dairy product is packed shall --
- (a) be made 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 or taste to the contents thereof;

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- (b) be so strong that it will not be damaged or deformed during normal storage, handling and transport practices;
- (c) in the case of a container that is re-used, be thoroughly cleaned and sterilized before a dairy product is packed therein;
- (d) be clean and intact; and
- (e) be closed properly in a manner permitted by the nature thereof.

(2) Dairy products of different types, production lots, classes and packing sizes shall not be packed together in the same outer container, **irrespective whether those dairy products are packed therein in separate containers.**

Marking of containers and outer containers

6. (1) Except where specifically prescribed, all **other the** marking requirements **as specified in the dairy regulations** shall be indicated **as follows --**

- (a) in detached, clearly legible **and indelible** letters and figures;
- (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;
- (c) in a letter size of at least 1 mm for lower case vowels;
- (d) in each separate case be of the same colour, **font**, type and size; and
- (e) have a vertical height of 4 mm in the case of outer containers.

(2) Each container **and outer container** in a consignment of dairy products shall be marked with the following particulars --

- (a) the applicable class designation **and, where applicable, the additions to the class designation as** prescribed in the dairy products regulations in letters of the same type, size, colour and font, prominently on at least one main panel in a letter size of at least 2mm for lower case vowels: Provided that –
 - (i) the following particulars may be indicated in one different colour only:
 - (aa) The fat class (e.g. 'medium fat', 'high fat', 'full cream', 'skimmed', etc.) in the class designation; or

- (bb) The name of the added foodstuff (e.g. 'chives', 'peach') or the name of the flavourant (e.g. 'strawberry flavoured', 'chocolate flavoured', etc.) when used in the additions to the class designation; and
- (ii) in the case of small or mini serving containers, a minimum letter size of 1mm for lower case vowels shall apply.
- (b) The additional particulars on the main panel, as prescribed in the dairy products regulations;
- (c) the name, trade name and address of the manufacturer or packer of the dairy product concerned;
- ~~the ingredients list as prescribed in the dairy products regulations;~~
- (d) the date marking or batch code or batch number identification for the purpose of traceability as prescribed in the dairy product regulations;
- (e) The additional particulars on the container, as prescribed in the dairy products regulations; and
- (f) the country of origin as prescribed in the dairy products regulations.
- (g) ~~the nett mass and/or drained mass or volume whichever one is applicable, of the dairy products in the container and/or outer container concerned as prescribed the Legal Metrology Act, 2014 (Act No. 9 of 2014).~~
- (3) The particulars referred to in sub-regulation (2)(a), (c) and (d) shall be marked on an outer container in which more than one container of a dairy product is packed.
- (4) The multipack and small or mini serving container shall be marked as prescribed in the dairy products regulations.
- (5) No word or expression may be bigger than the class designation unless specified in the dairy products regulations.
- (6) No container or outer container in a consignment of dairy products shall be marked with a class designation other than the applicable class designation of the dairy product in that container or outer container.
- (7) No word, mark, trademark, brand name, illustration, depiction or other method of expression that either directly or by implication constitutes a misrepresentation or creates or may create a misleading impression regarding the

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quality, nature, class, origin or composition of the dairy products in a container, shall be indicated on such container or outer container.

(8) Additional restricted particulars specified in the dairy products regulations shall not be indicated on containers and outer containers of dairy products.

Inspection and sampling

7. The inspection and sampling of dairy products intended for export shall be conducted in accordance with the procedure prescribed in the dairy products regulations.

Methods of analysis

8. The determination of a property of dairy products intended for export shall be conducted in accordance with the methods of analysis and procedures prescribed in the dairy products regulations.