



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 PROCESSORS, PACKERS, IMPORTERS AND RETAILERS OF DAIRY AND IMITATION DAIRY PRODUCTS**
B. NEJAHMOGUL TECHNOLOGIES AND AGRIC SERVICES (ASSIGNEE)

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NO.	5	DATE:	23 January 2019
PAGES:			

Subject:

INDUSTRY DISPENSATION: (A) IMPLEMENTATION OF VARIOUS CHANGES TO REGULATION R.260, (B) CORRECTION OF THE STANDARDS FOR IMITATION CONDENSED MILK, (C) DRIED CHEESE PRODUCTS IN TERMS OF REGULATION R.260, AND (D) RELAXATION OF REGULATION 33

1. BACKGROUND

(A) IMPLEMENTATION OF VARIOUS CHANGES TO REGULATION R.260

A number of challenges facing the dairy industry were observed by this Directorate and some challenges were also brought to our attention by the affected stakeholders. A Dairy Industry Technical Workshop Meeting was then organised on 10 May 2018 in Pretoria and nine (9) proposals regarding changes to regulation R.260 dated 27 March 2015 ("R.260") were circulated on two occasions for industry's comments that is on the 04 June 2018 and 29 August 2018.

Stakeholders agreed to only seven (7) out of the nine proposals made and it was decided to implement these changes as soon as possible by means of an industry dispensation.

(B) CORRECTION OF THE STANDARDS FOR IMITATION CONDENSED MILK

It was also brought to this Directorate's attention that the compositional standards for Imitation (sweetened) condensed milk with vegetable oil or fat were incorrect and it was therefore necessary to introduce the necessary corrections by means of an industry dispensation.

(C) DRIED CHEESE PRODUCTS

Various brands of cheese powder and dried cheese are currently being manufactured and imported into South Africa and it has become evident that confusion exists about how they should be designated in terms of regulation R.260.

Cheese powder is usually manufactured from processed cheese that is then spray-dried into a fine powder resulting in a moisture content of $\leq 5\%$. The composition thereof shall correspond with the standard of identity set out in Table 15 of regulation 19 in R.260.

Dried cheese consists of grated cheese (or cheese cut into strings, small squares, etc.) which has undergone a special drying process. This ensures a long shelf life outside the refrigerator. The moisture content of the dried cheese products is $> 5\%$ and usually ranges between 9% and 29%. The composition

thereof shall correspond with the standard of identity prescribed for the type of cheese concerned as set out in Table 9 of regulation 13 in R.260.

In the case of dried cheese, the word 'dried' is not currently prescribed in regulation R.260 and may thus not form part of the class designation. It is therefore necessary to make provision for the word "dried" to be optionally indicated as an addition to the class designation.

(D) RELAXATION OF REGULATION 33

The existing regulation 33 of R.260 allows for the use of any other method of analysis, which is accepted and approved by ISO and the Codex Alimentarius. The way that this provision is currently phrased implies that another method may be used, provided that both ISO and Codex have accepted and approved the method concerned.

In practice this will pose a challenge since the new method may have already been accepted and approved by ISO, but the Codex Committee on Methods of Analysis and Sampling (CCMAS) has not yet approved and included it in the latest Codex Alimentarius' *Recommended Methods of Analysis and Sampling* (CXS 234-1999, as amended) document.

To resolve this challenge, regulation 33 will be relaxed by means of a dispensation to allow for the use of any other method, provided that ISO or Codex have accepted and approved the method concerned.

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 processors, packers, importers and retailers of dairy and imitation dairy products to –

(A) IMPLEMENTATION OF VARIOUS CHANGES TO REGULATION R.260

2.1 use the following definition for "main ingredient":

"main ingredient" means the ingredient(s) in a foodstuff which by weight or volume, whatever is applicable, contributes the highest percentage mass, excluding water;"

2.2 apply the following standards for flavoured milk under regulation 5:

"Standards for flavoured milk

Flavoured milk --

- (a) shall be manufactured from heat treated milk and/or reconstituted and/or recombined milk to which a flavouring and other food additives (optional), as allowed for under regulation 4(3), have been added;
- (b) shall not contain any added animal, plant or marine fat;
- (c) shall be classified as set out in Table 1 and comply with the standards for each such class: Provided that the milk solids, pH and maximum freezing point shall be ignored; and
- (d) shall comply with the provisions of regulation 4."

2.3 replace paragraph 8(1)(a) under the “Standards for sweetened condensed milk” with the following:

- “8. (1) Sweetened condensed milk shall –
- (a) be manufactured by partial removal of water from milk, reconstituted milk or recombined milk with the addition of sugar, or by any other process which leads to a product of the same composition and characteristics: Provided that if reconstituted milk or recombined milk is used, it shall at least be declared in the ingredients list; and”

2.4 include the following sub-regulation under regulation 12:

- “12. (4) The classes Whipping cream, whipped cream, acidified cream and cultured cream may contain products derived exclusively from milk or whey that contain 35% (m/m) or more milk protein of any type (including casein and whey protein products and concentrates and any combinations thereof) and milk powders as functional ingredients (i.e. thickeners and stabilisers) only: Provided that these products are added in amounts functionally necessary not exceeding 20g/kg.”

2.5 replace paragraph 14(1)(a) with the following:

- “14. (1) Process cheese and cheese spread, either with or without added foodstuff, shall—
- (a) be manufactured by the grinding, mixing, melting and emulsifying, with the aid of heat and an emulsifying agent, of a type of cheese specified in item 1, 2, 3 or 4 of column 1 of Table 9 or the type of cream cheese specified in column 1 of Table 11 with whey proteins and with other primary dairy products;”

2.6 replace sub-regulation 14(2) with the following:

- “14. (2) (a) If a designation specified in column 3 of Table 9 is used in connection with the sale of process cheese or cheese spread (with or without added foodstuff), the specified cheese shall consist of at least 50 per cent of the formulation in the final product except, for blue mould cheese which shall consist of at least 42 per cent of the formulation in the final product: Provided that the specified cheese concerned shall be subject to the requirements on Quantitative Ingredient Declarations (QUID), as specified in the regulations published under the Foodstuffs, Cosmetics and Disinfectants Act, 1972 (Act No. 54 of 1972).
- (b) In the case of all process cheese or cheese spread (with or without added foodstuff) not presented for sale as a specific cheese referred to in paragraph (a) above, cheese shall at least be the main ingredient, in the final product concerned.”

2.7 replace the minimum protein content calculated on a fat-free basis and the minimum milk solids non-fat content calculated on the total content as well as on a fat-free basis for all classes of Dairy Liquid Blend and Cultured Dairy Liquid Blend products as set out in Table 17 of regulation 21 with the following;

“Minimum protein content calculated on a fat-free basis (%)(m/m): **1.5**
Minimum milk solids non-fat content calculated on the total content (%)(m/m): **7.0**
Minimum milk solids non-fat content calculated on a fat-free basis (%)(m/m): **7.0**”

2.8 use the descriptions ‘high fat’, ‘full fat’ and ‘medium fat’ interchangeably with ‘high cream’, ‘full cream’ and ‘medium cream’ respectively in the case of all applicable classes of dairy products;

2.9 replace paragraph 25(2)(a) under 'Marking of containers and outer containers' with the following:

"25. (2) The container of a dairy product or an imitation dairy product shall be marked with the following particulars:

(a) The class designation and if applicable the additions to the class designation 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 alternate 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) CORRECTION OF THE STANDARDS FOR IMITATION CONDENSED MILK

2.10 replace the minimum total fat content and the minimum protein content calculated on a fat-free basis for the type/ class 'Imitation (sweetened) condensed milk with vegetable oil or fat' as set out in Table 18 of regulation 23 with the following:

"Minimum total fat content (%)(m/m): **8.0**

Minimum protein content calculated on a fat-free basis (%)(m/m): **7.5**"

(C) DRIED CHEESE PRODUCTS

2.11 add the following sub-regulation under regulation 27:

"27. (17) The expression "dried" may form part of the class designation in the case of cheese: Provided that the cheese concerned has been subjected to the drying process."; and

(D) RELAXATION OF REGULATION 33

2.12 replace the paragraph in regulation 33 with the following:

"33. (1) The methods to be employed and the procedure to be followed in connection with the determination of a property specified in column 1 of Table 19, of a dairy product or an imitation dairy product shall be as set out in the publication of the Secretariat, International Dairy Federation, the number, year of publication and title of which are respectively specified in columns 2,3 and 4 of the said table opposite thereto (these methods are published as joint IDF/ISO Standards and are also available from ISO).

(2) Notwithstanding item (1) above, any other method which is accepted and approved by ISO or the CODEX Alimentarius may be used: Provided that –

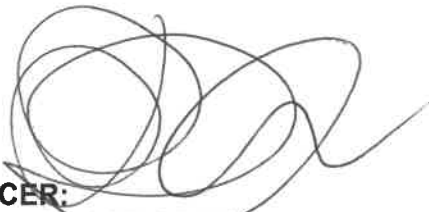
(a) the method concerned has been validated;

(b) the laboratory concerned employing this method has been accredited (e.g. by SANAS); and

- (c) the laboratory concerned conducts proficiency testing/ inter-laboratory comparisons.”.

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 processors, packers, importers and retailers of dairy and imitation dairy products 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: 31 December 2019



EXECUTIVE OFFICER:
AGRICULTURAL PRODUCT STANDARDS ACT