

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

**2nd DRAFT REGULATIONS RELATING TO THE CLASSIFICATION, PACKING AND MARKING OF
MAYONNAISE, SALAD CREAM, SALAD DRESSING AND SALAD OIL DRESSING INTENDED FOR SALE
IN THE REPUBLIC OF SOUTH AFRICA**

The Minister for Agriculture, Land Reform and Rural Development has, acting under section 15 of the Agricultural Product Standards Act, 1990 (Act No.119 of 1990), made the regulations in the Schedule.

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SCHEDULE

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**PART I
DEFINITIONS, SCOPE AND RESTRICTIONS**

Definitions

1. Any word or expression in these regulations to which a meaning has been assigned in the Act shall have that meaning, and unless the context otherwise indicates --

~~"acidifying agent" means vinegar and/or lemon juice;~~

"acidifying agent" means food ingredients such as vinegar, lemon juice and / or lime juice and / or other permitted food acids whose primary technological function is acidification, such as lactic acid, citric acid and malic acid;

"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 and, in the case of imported foodstuffs, the name and address as provided for in the Codex Alimentarius Commission's document entitled: General Standard for the Labelling of Pre-packaged Foodstuffs, CODEX STAN 1-1985;

"assignee" means a person, undertaking, body, institution, association or board designated under section 2(3) of the Act;

~~"batch" means a definite quantity of a commodity produced essentially under the same conditions, not exceeding~~

“batch” means a group or set of identifiable products obtained from a given process under practically identical circumstances and produced in a given place within a defined production period as defined by the food business operator;

"container" means the immediate packaging in which Mayonnaise, Salad Cream, Salad Dressing and Salad Oil Dressing are presented for sale;

"Executive Officer" means the officer designated under section 2(1) of the Act;

“flavour enhancer” means a permitted substance as defined in the regulations published under the Foodstuffs, Cosmetics and Disinfectants Act, 1972 (Act No. 54 of 1972);

“flavouring” means a permitted substance as defined in the regulations published under the Foodstuffs, Cosmetics and Disinfectants Act, 1972 (Act No. 54 of 1972);

“food additive” means a permitted substance as defined in the regulations published under the Foodstuffs, Cosmetics and Disinfectants Act, 1972 (Act No. 54 of 1972);

"foodstuff" means a foodstuff as defined in the Foodstuffs, Cosmetics and Disinfectants Act, 1972 (Act No. 54 of 1972);

"hamper pack" or "gift pack" means packaging (e.g. an open carton wrapped in transparent plastic, a sealed transparent plastic bag, carton with dividing segments wrapped in transparent plastic, etc.) other than an outer container containing multiple containers of Mayonnaise, Salad Cream, Salad Dressing and Salad Oil Dressing of the same class or of different classes, normally presented for sale during but not limited to certain special occasions, events or holiday periods (e.g. a Christmas hamper, back to school hamper, family hamper, etc.);

~~**"herbs"** means the leafy green or flowering parts of a plant used for amongst others flavouring and culinary purposes and could be fresh, dried or the extract thereof;~~

"herbs" mean the either fresh, dried or extract of the non-toxic leafy green or flowering parts of a plant used for among others the flavouring of foodstuffs;

"honey" means the product as defined in the latest regulations relating to the grading, packing and marking of honey and mixtures of bee products intended for sale in the Republic of South Africa published under the Act;

"inspector" means an officer under control of the Executive Officer, or an assignee or an employee of an assignee;

“label” means any permanent tag, brand, mark, sticker, pictorial, graphic or other descriptive matter, which is written, printed, stencilled, marked, embossed, impressed upon, or permanently attached to a container of a foodstuff, and includes labelling for the purpose of promoting its sale or disposal;

"letters" also means figures and symbols;

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

“main ingredient” means the ingredient in a foodstuff which contributes the highest percentage mass in the end product, excluding water;

~~**“main panel”** means that part of the label that bears the brand name or trade name and product name in greatest prominence or any other part of the label that bears the brand or trade name in equal prominence;~~

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

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equal prominence;

~~"manufacturing date" means the date on which the food becomes the product as described;~~

~~"mayonnaise" means an emulsion of plant vegetable oil, protein/modified protein (egg, egg yolk, milk, pea and/or soya) and an acidifying agent, complying with the requirements in regulation 5;~~

"**mayonnaise**" means an emulsion of one or more vegetable oils in an aqueous phase containing an acidifying agent and protein / modified protein, complying with the requirements in regulation 5;

"**Mayonnaise, Salad Cream, Salad Dressing and Salad Oil Dressing**" means these products as well as all the classes for these products prescribed in regulation 4;

"**outer container**" means a carton or any other suitable packaging in which ~~more than one or more containers~~ of Mayonnaise, Salad Cream, Salad Dressing and Salad Oil Dressing is packed, irrespective whether it completely or partially encloses the containers;

~~"per cent" means per cent by volume;~~

"**preservative**" means a permitted substance as defined in the regulations published under the Foodstuffs, Cosmetics and Disinfectants Act, 1972 (Act No. 54 of 1972);

"**salad cream**" means an emulsion of **plant vegetable** oil, protein / modified protein (~~egg, egg yolk, milk, pea and/or soya~~) and an acidifying agent, ~~thickened by starch~~, complying with the requirements in regulation 5;

"**salad dressing**" means an emulsion or separable **plant vegetable** oil product complying with the requirements in regulation 5;

"**salad oil dressing**" means a separable non-emulsified **plant vegetable** oil product complying with the requirements in regulation 5;

"**spices**" means dried, pungent or aromatic substances of edible plant origin (i.e. from the fruit, root, stem, bulb, bark or seeds) primarily used for flavouring, colouring **or preserving** of foodstuffs;

"**stabilisers and / or thickeners**" means a permitted substance as defined in the regulations published under the Foodstuffs, Cosmetics and Disinfectants Act, 1972 (Act No. 54 of 1972);

~~"sugar" means sugar as defined in the Codex Standard for Sugars (CODEX STAN 212-1000);~~

"**sugars**" means all edible mono- and disaccharides other than polyols;

"**sweetener**" means any food additive which is used or intended to be used to impart a sweet taste to foodstuffs;

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

"**traceable and traceability**" means the ability to follow the movement of a foodstuff through specific stages of production, processing, and distribution; and

"**water**" means potable water as described in the SANS 241-1 Drinking Water Standard.

Scope of regulations

2. These regulations shall apply to Mayonnaise, Salad Cream, Salad Dressing and Salad Oil Dressing intended for sale in the Republic of South Africa to which and under circumstances in which a prohibition in terms of section 3 of the Act regarding control over the sale of Mayonnaise, Salad Cream, Salad Dressing and Salad Oil Dressing apply.

Restrictions on the sale of Mayonnaise, Salad Cream, Salad Dressing and Salad Oil Dressing

3. (1) No person shall sell Mayonnaise, Salad Cream, Salad Dressing and Salad Oil Dressing in the

- (a) unless such products are classified in accordance with the classes referred to in regulation 4;
 - (b) unless such products comply with the standards regarding composition and quality referred to in regulation 5;
 - (c) unless the containers and outer containers in which such products are packed, comply with the requirements referred to in regulations 6 and 7;
 - (d) unless such products are marked with the particulars and in the manner prescribed in regulations 8 to 15; and
 - (e) if such products are marked with particulars and in a manner so prescribed as particulars with which it may not be marked in terms of regulation 16.
- (2) The Executive Officer may grant written exemption, entirely or partially, to any person on such conditions as he or she deems necessary, from the provisions of sub-regulation (1) above.
- (3) The restrictions in sub-regulation (1) above shall --
- (a) apply to the sale of products intended to be used with and on salads. **with or without other uses**, and those intended to be used in the place of Mayonnaise, Salad Cream, Salad Dressing and Salad Oil **Dressing**;
 - (b) not apply to the sale of vinegar as defined in the latest regulations relating to the classification, packing and marking of vinegar intended for sale in the Republic of South Africa published under the Act; and
 - (c) not apply to the sale of cooking oil.

**PART II
CLASSES AND STANDARDS FOR CLASSES**

Classes of Mayonnaise, Salad Cream, Salad Dressing and Salad Oil **Dressing**

4. The classes of Mayonnaise Salad Cream, Salad Dressing and Salad Oil **Dressing** shall be as follows:
- (1) **Mayonnaise:**
 - (a) Mayonnaise.
 - (b) Reduced Oil Mayonnaise.
 - (2) **Salad Cream:**
 - (a) Salad Cream.
 - (b) Reduced Oil Salad Cream.
 - (3) **Salad Dressing:**
 - (a) Salad Dressing / **Vinaigrette / Dressing**.
 - (b) Reduced Oil Salad Dressing / **Vinaigrette / Dressing**.
 - (c) Oil Free Salad Dressing / **Vinaigrette / Dressing**.

(4) **Salad Oil Dressing:**

- (a) Salad Oil Dressing.

Standards for the classes of Mayonnaise, Salad Cream, Salad Dressing and Salad Oil Dressing

5. The standards for the classes of Mayonnaise, Salad Cream, Salad Dressing and Salad Oil Dressing shall be as follows:

(1) Mayonnaise --

- (a) shall contain --

- (i) at least 52 per cent edible ~~plant~~ vegetable oil;
- (ii) acidifying agent ~~(vinegar and/or lemon juice)~~; and
- (iii) either egg, milk, pea, soya and / or other suitable vegetable-based protein; and

- (b) may contain the following permitted ingredients singly or in combinations thereof:

- (i) water;
- (ii) salt and / or permitted salt substitutes;
- (iii) mustard;
- (iv) spices, seasonings and other flavourings;
- (v) herbs;
- (vi) tomato paste or tomato purée;
- (vii) flavour enhancers;
- (viii) sweeteners;
- (ix) food colourants and preservatives;
- (x) stabilisers and / or thickeners; and
- (xi) other foodstuffs: Provided that if the added foodstuff is a dairy product(s) the fat content of the added dairy product(s) shall be in addition to the prescribed edible vegetable oil content of the product and not in replacement thereof

~~(c) may not contain starch paste.~~

(2) Reduced oil mayonnaise --

- (a) shall contain not more than 39 per cent and not less than 22 per cent edible ~~plant~~ vegetable oil; and
- (b) may, subject to the provisions of paragraph (a), contain any of the ingredients as prescribed in subregulation (1)(b).

(3) Salad cream --

- (a) shall contain --

- (i) at least 25 per cent edible vegetable oil;

- (ii) acidifying agent (~~vinegar and/or lemon juice~~); and
 - (iii) either egg, milk, pea, soya and / or other suitable vegetable-based protein.
 - ~~(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, subject to the provisions of paragraph (a), contain any of the ingredients as prescribed in subregulation (1)(b).~~
- (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 more than 12 per cent but not more than 50 per cent edible ~~plant~~ vegetable oil; and
 - (b) may contain the following permitted ingredients singly or in combinations thereof -
 - (i) acidifying agent;
 - (ii) water;
 - (iii) salt;
 - (iv) mustard;
 - (v) spices, ~~seasonings~~ and other flavourings;
 - (vi) herbs;
 - (vii) tomato paste or tomato purée;
 - (viii) flavour enhancers;
 - (ix) sweeteners;
 - (x) food colourants and preservatives;
 - (xi) stabilisers and / or thickeners;
 - (xii) egg, milk, pea and soya protein / modified protein;
 - ~~(xiv) modified starch; and~~
 - (xiii) milk solids; and
 - (xiv) other foodstuffs: Provided that if the added foodstuff is a dairy product(s) the fat content of the added dairy product(s) shall be in addition to the prescribed edible vegetable oil content of the product and not in replacement thereof.
- (6) Reduced oil salad dressing --

- (a) shall contain more than 0,5 per cent but not more than 12 per cent edible ~~plant~~ vegetable oil; and
 - (b) may, subject to the provisions of paragraph (a), contain any of the ingredients as prescribed in subregulation (5)(b).
- (7) Oil-free salad dressing --
- (a) shall contain not more than 0,5 per cent edible ~~plant~~ vegetable oil; and
 - (b) may contain any of the ingredients as prescribed in subregulation (5)(b).
- (8) Salad oil **Dressing** --
- (a) shall contain not more than 95 per cent and not less than 60 per cent edible ~~plant~~ vegetable oil;
 - (b) shall not contain any emulsified ~~plant~~ vegetable oil; and
 - (c) may contain the following permitted ingredients singly or in combinations thereof --
 - (i) acidifying agent;
 - (ii) water;
 - (iii) salt **and / or permitted salt substitutes**;
 - (iv) mustard;
 - (v) spices, **seasonings** and other flavourants;
 - (vi) herbs;
 - (vii) flavour enhancers;
 - (viii) sweeteners;
 - (ix) food colourants and preservatives;
 - (x) **other foodstuffs**.

PART III PACKING AND CONTAINERS

Packing requirements

6. No outer container, excluding hamper and gift packs, shall contain more than one class of Mayonnaise, Salad Cream, Salad Dressing and Salad Oil **Dressing**, irrespective whether those Mayonnaise, Salad Cream, Salad Dressing and Salad Oil **Dressing** products are packed therein in separate containers.

Requirements for containers and outer containers

7. (1) A container in which Mayonnaise, Salad Cream, Salad Dressing and Salad Oil **Dressing** is packed shall be --
- (a) 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 to the contents thereof;

~~(b) robust (i.e. not be damaged or deformed during normal storage, handling and transport practices);~~

(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, thoroughly cleaned and sterilized before a Mayonnaise, Salad Cream, Salad Dressing and Salad Oil Dressing is packed therein;

(d) intact and clean; and

(e) closed properly in a manner permitted by the nature thereof.

(2) If containers containing Mayonnaise, Salad Cream, Salad Dressing and Salad Oil Dressing are packed in outer containers, such outer containers shall be intact, clean, neat, suitable and strong.

PART IV MARKING REQUIREMENTS

Marking of containers and outer containers

8. (1) Except where specifically prescribed, all other marking requirements as specified by these regulations shall be clearly legible and be indicated at least in English, in detached letters of at least 1 mm in size for lower case vowels.

(2) Each container of Mayonnaise, Salad Cream, Salad Dressing and Salad Oil Dressing shall be marked with the following particulars at least in English:

(a) **The class designation**, as specified in regulation 9, in clearly legible detached letters of the same type, size and font, prominently on at least one main panel in a letter size of at least ~~4 mm~~ 3mm for lower case vowels.

(b) **The additions to the class designation**, where applicable, as specified in regulation 10, in clearly legible detached letters of the same type, size and font as part of the class designation described in paragraph (a) above.

(c) **The additional particulars on the main panel may**, where applicable, as specified in regulation 11, be indicated on the main panel(s): Provided that if indicated as part of the class designation the letter type, size and font shall be the same as prescribed for the class designation described in paragraph (a) above.

(d) **The additional particulars on the container**, where applicable, as specified in regulation 12.

(e) **The name and address**, as specified in regulation 13.

(f) **The country of origin**, as specified in regulation 14.

(g) **Traceability and batch identification**, as specified in regulation 15.

(3) (a) The particulars referred to in sub-regulation (2)(a), (b), (c), (e) and (f) above shall be marked on each outer container in which more than one container of Mayonnaise, Salad Cream, Salad Dressing and Salad Oil Dressing is packed.

(b) The marking requirements prescribed in paragraph (a) above need not be complied with if --

- (i) a transparent outer container is used and the particulars on the containers packed therein are visible from the outside; and
- (ii) the same label which is affixed to the containers is also affixed to the outer container.

(4) A Mayonnaise, Salad Cream, Salad Dressing and Salad Oil Dressing packed in a container of 10ml or less shall be provided with a label indicating the particulars referred to in sub-regulations 2(a), (e) and (g) in a minimum letter size of 1mm (applicable to smallest letters or figures in the indication): Provided that it is packed in an outer container that is marked with all the applicable particulars in the prescribed manner and size.

Indication of the class designation

9. (1) The class designation of a Mayonnaise, Salad Cream, Salad Dressing and Salad Oil Dressing shall be the applicable class designation specified in regulation 4: Provided that –

- (a) the word "Vinaigrette" may be used as a synonym for the class designation "Salad Dressing";
- (b) the word "Dressing" may be used as a synonym for the class designation "Salad Dressing";
- (c) the word "Aioli" may be used as a synonym for the class designation "Mayonnaise" to describe the product with **only olive oil as the vegetable oil ingredient and the inclusion of garlic as part of the flavour profile**, for example "Garlic Aioli", "Chilli Reduced Oil Aioli": Provided that the composition still complies with that prescribed for Mayonnaise in regulations 5(1) and (2); and
- (d) the words comprising the class designation may not be abbreviated, such as "Mayo".

(2) The class designation and additions to the class designation, when forming part of the class designation, may be marked in altered word sequence: Provided that the altered word sequence does not constitute a misrepresentation, or does not directly or by implication create a misleading impression regarding the quality, nature, origin, class or composition of the Mayonnaise, Salad Cream, Salad Dressing and Salad Oil Dressing concerned.

Additions to the class designation

10. (1) The following information shall, where applicable, form part of the class designation:

Added flavouring

- (a) When a flavouring has been added to Mayonnaise, Salad Cream, Salad Dressing and Salad Oil Dressing ~~in order~~ to render a distinctive flavour thereto, the applicable class designation shall either be preceded by the expression "X Flavoured", or followed by the expression "with X Flavour" or "with X Flavouring" **or any other wording having a similar meaning**, where the expression "X" indicates the name(s) of the flavouring(s) used.

Powdered, dehydrated and concentrated

- (b) When a product is presented for sale in the powdered / dehydrated / concentrated state, the expression "powdered", "concentrate" **or any other wording having a similar meaning similar indication** shall form part of the applicable class designation: **Provided that the composition, when reconstituted, still complies with that prescribed for Mayonnaise, Salad Cream, Salad Dressing and Salad Oil Dressing as specified in regulation 5.**

Addition of other foodstuffs

- (c) When other foodstuffs have been intentionally added to a product **to render a distinctive flavour or texture thereto**, the applicable class designation shall be **preceded by the**

expression “X” or followed by the expression “with X”, or any other wording having a similar meaning, where the expression “X” indicates the name(s) of the kind(s) of foodstuffs used: **Provided that 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), shall be complied with.**

Added spice(s) and seasoning

- (d) When spice(s) or seasoning have been added to Mayonnaise, Salad Cream, Salad Dressing and Salad Oil Dressing to render a distinctive flavour thereto, the applicable class designation shall be preceded by the expression “X” or followed by the expression “with X” or any other wording having a similar meaning, where the expression “X” indicates the name(s) of the seasoning or spice(s) used.

Additional particulars on the main panel

11. (1) The following information may, where applicable **and subject to the requirements of regulation 10**, be indicated on the container or form part of the class designation:

Description of the product

- (a) The word "salad" in the class designation of Salad Dressing may be substituted by a descriptive name, such as --
- (i) the intended use, e.g. “Greek Dressing”, “Italian Reduced Oil Dressing”; or
 - (ii) the flavour, e.g. “Garlic Dressing”, “Reduced Oil Chili and Pepper Dressing”, “Three Islands Dressing”.
- (b) The class designations may include descriptive indications, such as --
- (i) the intended use, e.g. “Chip and Salad Mayonnaise”, “Reduced Oil Burger Mayonnaise”;
 - (ii) the **rheological** properties **or flavour**, e.g. “Creamy and Tangy Mayonnaise”, “Thick Mayonnaise”, ~~“Hot Chilli Salad Dressing”~~;
 - (iii) highlighting of a specific ingredient, e.g. “Olive Oil Salad Dressing”, “Olive and Canola Mayonnaise”, ~~“Hot Chilli Salad Dressing”~~; and
 - (iv) **highlighting the presence of an animal product such as dairy, e.g. “Blue Cheese Salad Dressing”, “Mayonnaise with cream”: Provided that the fat content of the added animal product(s) shall be in addition to the prescribed edible vegetable oil content in regulation 5 and not in replacement thereof.**

Additional particulars on containers

~~Plant~~ Vegetable oil type and content

12 (1) The type/s of ~~plant~~ vegetable oil together with the ~~plant~~ vegetable oil content (**percent**) for each type of oil shall be indicated on the container.

Dilution ratio for powdered / dehydrated / concentrated products

(2) The dilution ratio with water or any other liquid in the case where products need to be reconstituted or diluted before consumption, shall be indicated on each container: Provided that --

- (a) the dilution ratio shall indicate clearly the amount of the product and the amount of the liquid / powder to be used for reconstitution (e.g. “Dilute 1:4”, “Dilute 1:4 with water”, “Mix 1 Part Concentrate with 5 Parts Water”, “Dissolve this sachet in 500ml water, etc.);

- (b) mixing instructions may also serve as dilution ratio; and
- (c) illustrations of how the product shall be diluted may be used in addition to the indicated dilution ratio.

Indicating the name and address

13. (1) The name and address of the manufacturer, packer, importer, seller or person or entity on whose behalf the product has been packed shall be indicated on each container: Provided that the name and address shall be accompanied by applicable wording such as "manufactured by / for", "imported by / for" or "sold by": Provided ~~further~~ that in the case ~~where~~ of imported products ~~indicate the address of the foreign manufacturer or packer~~, a South African address for the importer, seller or entity on whose behalf the Mayonnaise, Salad Cream, Salad Dressing and Salad Oil Dressing have been packed shall ~~in addition~~ be indicated on each container.

~~(a) it is not possible to indicate the physical address and the use thereof can be adequately motivated, a postal address together with a telephone number may be used instead; and~~

~~(b) imported products indicate the address of the foreign manufacturer or packer, a South African address for the importer, seller or entity on whose behalf the Mayonnaise, Salad Cream, Salad Dressing and Salad Oil Dressing have been packed shall in addition be indicated on each container.~~

Country of origin

14. (1) The country of origin shall be indicated as follows on each container:
- (a) "Product of (name of country)" if all the main ingredients, processing and labour used to make the product are from one specific country; or
 - (b) "Produced in (name of country)", "Processed in (name of country)", "Manufactured in (name of country)", "Made in (name of country)", or wording having a similar meaning, when the product is processed in a second country which changes its nature.
- (2) The words "Packed in (name of country)" may be used in addition to the requirements prescribed in sub-regulation (1) above.
- (3) The name(s) of the country(ies) indicated in terms of sub-regulations (1) and (2) above may not be abbreviated.

Traceability and batch identification

15. (1) Each container containing Mayonnaise, Salad Cream, Salad Dressing and Salad Oil Dressing shall be clearly marked with a batch code in such a way that the ~~manufacturing date and~~ specific batch ~~are~~ is easily identifiable and traceable.
- (2) Date marking indications such as "best before", "use by" and "sell by" or any other suitable indications may serve as the batch code referred to in subregulation (1).
- (3) If the products are packed in an outer container which will during normal usage be discarded by the consumer, the batch code shall appear on each individual container that will be retained by the consumer until consumption.

Restricted particulars on containers and outer containers

Class designation

16. (1) (a) No class designation other than the applicable class designation shall be marked on a container or outer container: Provided that the names of other classes of Mayonnaise, Salad Cream, Salad Dressing and Salad Oil Dressing from the same manufacturer,

indicated for the sole purpose of promotion and / or comparative claims shall be allowed on the side panel or back panel of a container and shall be accompanied by wording such as but not limited to for example “also try these products in our range”.

- (b) No word or expression which so nearly resembles the class designation of a product that it could be misleading with regard to the composition shall be marked on the container or outer container.

Depictions and illustrations

- (2) (a) In the case of transparent containers depictions / illustrations of the intended use (e.g. salad) shall be allowed without the necessity of indicating the actual product on the container.
- (b) Where the depictions / illustrations on the container represent the flavour of the product is shall be construed in such a manner not to be confused with the intended use of the products (i.e. salads).

Misleading words, marks, depictions, etc.

- (3) (a) No word, mark, depiction, illustration or any other method of expression that constitutes a misrepresentation, or directly or by implication creates or may create a misleading impression regarding the quality, nature, class, origin or composition of a Mayonnaise, Salad Cream, Salad Dressing and Salad Oil Dressing shall be marked on a container or outer container containing such product.
- (b) Products not intended to be used with and on salads and those not intended to be used in the place of Mayonnaise, Salad Cream, Salad Dressing and Salad Oil Dressing shall not be labelled with words such as “salad”, “mayonnaise”, “dressing” or by words implying these words such as “mayo” and “naise”, but be presented as totally different products such as “sauce”, “dip”, “condiment”, etc.
- (c) The words “Mayo” and “Reduced Oil Mayo” may be used on the containers of Mayonnaise and Reduced Oil Mayonnaise respectively: Provided that the full class designations also appear on the containers.

Claims

(4) No claim regarding the absence of any substance that does not normally occur in Mayonnaise, Salad Cream, Salad Dressing and Salad Oil Dressing shall be marked on the container or outer container thereof, except in cases where it is allowed for in the regulations published under the Foodstuffs, Cosmetics and Disinfectants Act, 1972 (Act No. 54 of 1972).

(5) Words such as "reduced", "less than", "fewer", "light" and "lite", or words having a similar meaning which compares the total fat or energy value, shall only be made on the containers containing the classes Reduced Oil Mayonnaise, Reduced Oil Salad Cream and Reduced Oil Salad Dressing, unless the following conditions are complied with:

- (a) The words such as "reduced", "less than", "fewer", "light" and "lite", or words having a similar meaning, shall be indicated additionally and separately from the prescribed class designations Reduced Oil Mayonnaise, Reduced Oil Salad Cream and Reduced Oil Salad Dressing.
- (b) Every container of Reduced Oil Mayonnaise and Reduced Oil Salad Cream (excluding Reduced Oil salad Dressing) shall be marked with a statement of the amount of difference in the total fat or energy value expressed as a percentage compared with a mayonnaise and salad cream of the same brand, trade name or manufacturer, as the case may be: Provided that the comparison shall be based on a relative difference of at least 25% in the fat or energy value content of an equivalent mass or volume.

- (c) Each container shall be marked with the prescribed nutritional information declaration required in terms of the regulations published under the Foodstuffs, Cosmetics and Disinfects Act, 1972 (Act No. 54 of 1972).

(6) No claim which compares the saturated fat, cholesterol, sugar, sodium or salt value of the Mayonnaise, Salad Cream, Salad Dressing and Salad Oil Dressing products by using words such as "reduced", "less than", "fewer", "light" and "lite", or words having a similar meaning, shall be made on the container containing these classes of products, unless the following conditions are complied with:

- (a) The product shall be compared with a different version of the specific Mayonnaise, Salad Cream, Salad Dressing and Salad Oil Dressing variants of the same brand, trade name or manufacturer within the same class, as the case may be: ~~Provided that if a different version of the specific Mayonnaise, Salad Cream, Salad Dressing and Salad Oil Dressing variant is not available, the product concerned may be compared with a different Mayonnaise, Salad Cream, Salad Dressing and Salad Oil Dressing variant, as the case may be, within the same class.~~
- (b) The product being compared shall be clearly marked on every container with the following information:
- (i) A statement of the amount of difference in the relevant nutrient content, expressed as a percentage.
- (ii) The identity of the product(s) to which it is being compared in close proximity to or as part of the comparative claim.
- (c) The comparison shall be based on a relative difference of at least 25% in the nutrient content of an equivalent mass or volume: Provided that the necessary proof (e.g. analysis report, etc.) shall be provided by the manufacturer or packer on request of the inspector.
- (d) Each container shall be marked with the prescribed nutritional information declaration required in terms of the regulations published under the Foodstuffs, Cosmetics and Disinfects Act, 1972 (Act No. 54 of 1972).

Notice boards and advertisements

- (7) The provisions of this regulation shall also apply to --
- (a) particulars that are marked on a notice board displayed at or in the immediate vicinity of Mayonnaise, Salad Cream, Salad Dressing and Salad Oil Dressing that are kept or displayed for sale; and
- (b) all advertisements for Mayonnaise, Salad Cream, Salad Dressing and Salad Oil Dressing.

PART V SAMPLING AND ANALYSIS

Sampling and analysis of Mayonnaise, Salad Cream, Salad Dressing and Salad Oil Dressing

Sampling

17. (1) For the purpose of inspection and sampling for quality control –
- (a) an inspector shall take such samples of a product, material, substance or other article in question as he or she may deem necessary; and
- (b) samples of Mayonnaise, Salad Cream, Salad Dressing and Salad Oil Dressing for quality control may be obtained from the trade or directly from the factory or warehouse where such products are stored.

Verification of composition and authenticity (analyses)

- (2) (a) Mayonnaise, Salad Cream, Salad Dressing and Salad Oil Dressing shall be subject to analysis for composition and authenticity where applicable, and at the discretion of the Executive Officer.
- (b) The methods of analysis as provided for in the latest version of the Codex Alimentarius Commission's document entitled: *Recommended Methods of Analysis and Sampling, CODEX STAN 234-1999*, or any other internationally recognised and acceptable reference methods and procedures shall be used when verifying a sample's composition and authenticity.
- (c) Analysis as required in paragraph (a) above shall be conducted by a competent laboratory.

~~Fees payable for analyses~~

- ~~(3) (a) In terms of section 3A(4) of the Act, all analysis required in terms of sub regulation (4) shall be performed at the expense of the of the South African manufacturer, packer, importer, retailer or other person or entity, as the case may be whose details are declared as per regulation 13.~~
- ~~(b) The following fees shall be payable:
 - ~~(i) The laboratory analysis fee when samples of Mayonnaise, Salad Cream, Salad Dressing and Salad Oil Dressing are analysed to confirm compliance.~~
 - ~~(ii) The courier (transport) fee when samples are dispatched to the laboratory.~~~~
- ~~(c) The Minister or the Executive officer shall in no case be liable in respect of any claim arising from the analysis of Mayonnaise, Salad Cream, Salad Dressing and Salad Oil.~~

**PART VI
OFFENCES AND PENALTIES**

Offences and penalties

18. 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.

**PART VII
COMMENCEMENT AND REPEAL**

19. (1) These regulations shall come into operation ~~6~~ 12 months after date of publication.
- (2) The regulations published by Government Notice No. R. 636 of 30 June 2000 are hereby repealed from the commencement of these regulations.