

**Regulations Relating to the Labelling and Advertising of Foodstuffs**  
**R146 of 1<sup>st</sup> March 2010, as amended by R1091 of 19 November 2010**  
**SUMMARY**  
March 2011

**OVERVIEW**

This piece of legislation is relevant to the labelling and advertising of both **pre-packaged** and **non-prepackaged or bulk stock** foods. All information required by the regulations has to be **kept on file** for inspection within 2 days.

In summary the document comprises:

- 56 Regulations – which prescribe the requirements of the law
- 6 Annexures – which provide additional information for easy reference
- 8 Guidelines – which provide supplemental information for implementing requirements found in the regulations
- 18 other existing legislation referred to
- 108 definitions which must be clearly understood in order to accurately interpret the regulations

**MANDATORY REQUIREMENTS FOR LABELS**

- Information must be provided in **English** [Reg 7(1)(a)].
- Pictures or graphics may not obscure or affect the **visibility, legibility or indelibility** of the information on the label [Reg 7(1)(b)].
- Labels may not be separate from the container holding the foodstuff [Reg 7(2)].
- Specific **letter sizes** are prescribed [Reg 8].
- **Name of the Food**: CODEX<sup>1</sup> descriptions for established names to be used where these exist [Reg 9(a)].
- **Manufacturer, importer or seller's name and address** to appear [Reg 9(b)].
- **Instructions for use** where it would be difficult to use the food without these [Reg 9(c)].
- **Storage instructions** before and after opening [Reg 9(e); 32].
- **Net contents** in SI units [Reg 9(f)].
- **Country of Origin**: either "Product of [country]" or "Produced/Manufactured/Processed/Made in [country]" and "Packed in [country]" [Reg 10(a)(b)(c)]. For imported, single ingredient agricultural commodities in bulk, which may change due to climatic, seasonal or other contingencies, there is an option to label the names of the countries concerned [Reg 10(d)].
- **Batch identification** to ensure traceability of a food through production, processing & distribution [Reg 11].
- **Date marking** applies to all importing, manufacturing, selling, distribution or donation of food – few exceptions. Must be preceded by the words: best before / bb and/or sell by and/or use by depending on the product and indicated in day-month-year order [Reg 12].
- **List of ingredients** [Reg 9(d)]:
  - Must be listed in descending order at time of manufacture under the heading "Ingredients" [Reg 17].
  - **Seasonal ingredients** can make use of 'and/or'. *Example: a pack of mixed vegetables would declare ingredients as: carrots and/or peas and/or mealies* [Reg 16].
  - **Added water** must be declared except:

<sup>1</sup> The internationally recognized entity whose purpose is to guide and promote the elaboration and establishment of definitions, standards and requirements for foods, and to assist in their harmonization and, in doing so, to facilitate international trade. The commission secretariat comprises staff from the Food and Agricultural Organisation and World Health Organisation

- If it is used solely for the purposes of wetting a dry ingredient or additive
  - If it is part of a brine or syrup and declared as such
  - If the water added is less than 5% of the finished product. This does not apply to raw-processed meats [Reg 18; 28].
- ◆ Ingoing **concentrated or dehydrated ingredients** which are reconstituted during manufacture, this must be declared as "reconstituted (name of ingredient) concentrate" or "reconstituted dried (name of ingredient)". *Example: a fruit juice blend may contain ingredients: reconstituted orange juice concentrate, water, sugar, flavourings* [Reg 19].
  - ◆ **Mixtures of ingredients** where no single ingredient in the mixture predominates can make use of "in variable proportions". *Example: mixed nuts* [Reg 20].
  - ◆ **Herbs & spices** if less than 2% by mass; **vitamins and minerals** can be listed at the end of the ingredient list in any order [Reg 21].
  - ◆ The **names of ingredients** must be the name used when independently sold and names such as salt, sodium chloride, vinegar, acetic acid, brine and syrup may all be used [Reg 22(a); 25].
  - ◆ **Microbial cultures** must be named to indicate their purpose. *Example: yoghurt culture* [Reg 22(b)].
  - ◆ **Additives** to be included for listing in descending order of mass and can be declared by their category names (listed in Annexure 1) subject to: [Reg 23; 36]
    - Any additive which contains or is derived from a **common allergen** must indicate this in ( ) after the name of the additive. *Example: stabilizer (egg)* [Reg 42].
    - The colourant **Tartrazine** which must be declared by this name in the list of ingredients [Reg 37].
    - **Preservatives** must be listed by their common chemical name, preceded by the word "preservative" and followed by the preservative(s) in ( ). There are specific prescriptions for curing agents [Reg 38(1)] and sulphur compounds [Reg 38(2)].
    - **Anti-oxidants** must be listed by their common chemical name or appropriate abbreviation. *Example TBHQ* [Reg 39].
    - **MSG** must be indicated as monosodium glutamate or the abbreviation, followed by the words 'flavour enhancer' [Reg 40].
    - If a food contains a flavour or an ingredient and not the ingredient itself, this must be indicated using the words "**flavouring**" or "**flavoured**" to qualify the name or description of the product [Reg 36(3)].
    - **Flavourants** to be indicated as 'flavouring' only and NOT qualified by natural, artificial or nature identical or similar wording [Reg 23; Guideline 7].
    - Additives carried-over as constituents of an ingredient or raw material into the final product must be labelled according to The Codex Standard for the Labelling of Prepackaged Foods (Codex STAN 1-1985) which distinguishes the need for labelling such carry-over additives by their ability to perform a technological function in that food as follows:
      - If the additive carried over into the food being labelled is in a sufficient enough quantity to perform a technological function in that food, then it must be included in the list of ingredients
      - If the additive carried over into the food being labelled is at a level less than that required to achieve a technological function, then it need NOT be included in the list of ingredients UNLESS it contains any common allergens or sulphite in concentrations equal to or greater than 10mg/kg. Processing aids<sup>2</sup> are also exempt from such labelling [Reg 41].
  - ◆ **Compound ingredients** must declare the names of all ingoing ingredients, additives and components but excluding flavourings in ( ) and in descending order of mass after the name of the compound ingredient in the list of ingredients. Allergens must be

<sup>2</sup> Processing Aid means a substance or material, not including apparatus or utensils, and not consumed as a food ingredient by itself, intentionally used in the processing of raw materials, foods or its ingredients, to fulfil a certain technological purpose during treatment or processing and which may result in the non-intentional but unavoidable presence of residues or derivatives in the final product.

included. *Example: cheese sauce (milk, flour, butter, cheese (milk, cheese culture, saltpetre, lactic acid), salt)* [Reg 27].

◆ **Fats & Oils** must declare:

- The **class name** of the fat or oil as well as all the **ingoing types of fat** or oil in () after the class name. Class names include vegetable, animal, fish or marine. *Example: animal (butter)*
- For vegetable fats, the **particular part of the plant** from which the oil is derived must also be specified. *Example: vegetable oil (sunflower seed)*
- Vegetable fats must be **quantified by the term hydrogenated where applicable**. *Example: hydrogenated vegetable oil (sunflower seed)* [Reg 29(1)].
- The terms '**cold-pressed or mechanically pressed**' or words with similar meaning may only be used if the plant oil or blend complies with the requirements of the definition [Reg 29(2)].
- **Trans fat** regulations (R127) was published on 11 February 2011 and requires that foods contain a **maximum trans content** of 2 grams per 100 grams (2%). Trans fats naturally found from animal origin are excluded. Trans fat free claims can be made for foods with less than 1 gram trans fat per 100 grams in final product. Methodology is prescribed.

- **Pictorial representation** may not be false, misleading or deceptive OR create an erroneous impression regarding character, origin, composition, quality, nutritive value, nature or other properties IN ANY RESPECT. It is no longer necessary to use "Serving Suggestion" [Reg 34].
- **Mandatory warning** on pressurised containers must carry the warning in minimum 3mm height: 'WARNING – PRESSURISED – DO NOT PUNCTURE OR STORE ABOVE 50°C' [Reg 15].
- **QUID** (Quantitative Ingredient Declaration) must be used where the product description or name emphasizes the presence of one or more valuable or characterizing ingredients. In this case the ingoing % of the ingredient at the time of manufacture must be declared in 1 of 3 permissible ways on the label and in accordance with Guideline 3. This is subject to requirements of the Agricultural Products Standards Act 119 of 1990 for certain foods and specific labelling requirements for raw-processed meat products. *Example: creamy mashed potato with extra cheese (8%)* [Reg 26 and Guideline 3].
- **Labelling of pre-packed food additives** is prescribed [Reg 35].
- **Common allergens** (Egg, milk, crustaceans & molluscs, fish, peanuts, soybeans, tree nuts, wheat) must be declared:

◆ In ingredient list in () unless self evident or forms part of the name. *Example: Sugar, whey powder (milk), flavourant, colourant* [Reg 43(1)(a)] **AND / OR**

◆ In close proximity to ingredient list in a block with words: '*Contains (allergen)*' [Reg 43(1)(b)].

◆ For **Significant cereals** (Wheat of Triticum species including kamut, spelt; Rye of Secale species; Barley of Hordeum species; Oats; or crossbred varieties) the name of the specific significant cereal species must be specified in ingredients list with 'gluten' in () [Reg 43(2)].

- **Uncommon allergens** must be disclosed on request – consumer, inspector, DOH based on information in Guideline 6. **Goat's milk** must be labelled in the same manner as for common allergens [Reg 44].
- **Irradiated foods** – the label of food treated with ionising radiation must comply with the following:
  - ◆ indicate such treatment in written statement in close proximity to the name of the food. Use of internationally recognized symbol is optional but in close proximity to name when used.
  - ◆ If an ingredient of a food is irradiated, it must be declared in the ingredient list
  - ◆ Single food prepared from irradiated raw material must contain statement indicating the treatment [Reg 49].
- If **Nutritional Information** is provided either voluntarily or mandatory for claims, then the following are prescribed requirements [Reg 50(1)]:

- ◆ ALWAYS (whether mandatory or voluntary) in the **prescribed tabular format** [Annexure 2]
- ◆ Must contain the heading '**Typical Nutritional Information**'; and indication of mass / volume of single serving and minimum mandatory information as prescribed per 100g/ml and single serving [Reg 50(1), (2)]
- ◆ **Appropriate units of measures** to appear behind the nutrient:
  - Energy content to be declared in (kJ)
  - Energy calculated using conversion factors in Annexure 2
  - Amount of each nutrient declared by mass
  - Units of measurement as indicated in Annexures 2 & 3 to be used [Reg 50(3)]
- ◆ To be included as a **footer** under the nutritional information table:
  - Statement indicating whether nutritional information applies to drained / nett mass for foods in a liquid medium which provide nutritional information
  - Whether nutritional information applies to ready-to-eat food or product as packed
  - Method of analysis used to determine dietary fibre [Reg 50(4)].
- ◆ All **nutrient values to be rounded off**. Annexure 6 provides guidance for transferring nutritional information from analysis reports to nutrition information table [Reg 50(5)].
- ◆ 'Trace' amount of nutrients are no longer permitted where this refers to limitations with regards to analytical methodology. May indicate uncertainty about precise value as < (quote lowest value on calibration curve) [Reg 52(5)(b)].
- ◆ Protein, vitamins and minerals with Nutrient Reference Values (NRV's)<sup>3</sup> may optionally be expressed as a % of NRV per single serving in additional column. NRV's for individuals 4 years and older apply to claims [Reg 50(6)].
- ◆ **Serving Size:** an indication by mass /volume of a single serving determined by the manufacturer and appropriate as a single serving. i.e. 'Should not encourage consuming of supersize portions which might result in undesirable increase in total energy intake and contribute to unhealthy weight gain' [Reg 50(8)(a)].

## PROHIBITED INFORMATION AND CLAIMS ON LABELS

- **No references** to Department of Health, government or related officials [Reg 6].
- Words, pictorial representations, marks, **logos** or descriptions which create an impression that the food is supported by, endorsed by, complies with or has been manufactured in accordance with:
  - ◆ Health practitioners (individually / professional association / consumer advisory organisations) [Reg 13(a)(i)].
  - ◆ Organisations, Associations, Foundations, other entities unless approved by the Director-General and can prove generic health promotion **supported by evidence-based nutrition & do not contradict these regulations in terms of nutrition claims & criteria**. This excluded religious certifying organizations, fauna & flora certifying or endorsing bodies and organizations accredited by SANAS to certify certain quality aspects of foods and the safety thereof [Reg 13(a)(ii)].
- Individual endorsements or testimonials **ONLY when implying a nutrition claim** [Reg 13(b)].
- Manufacturer/sellers endorsement with regard to nutritional or safety properties unless valid under these regulations and substantiation must be given within **2 working days**. [Reg 13(c)].

<sup>3</sup> Many countries have established their own nutritional standards, collectively termed Nutrient Reference Values(NRVs), and they vary due to the science which was reviewed, the purposes for which they are developed, and issues related to nutrition and food policy in the country.

- The words '**health**' or '**healthy**' or '**wholesome**' or '**nutritious**' or **words or symbols implying health giving properties** [Reg 13(d)(e)].
- No claims of '**complete**' or '**balanced**' [Reg 13(f)].
- The words '**cure**' or **any other medicinal claim** including prophylactic and therapeutic claims [Reg 13(g)].
- No negative or nutrition-related claims allowed for packaged water [Reg 14(3); 51(3)].
- Any word, statement, phrase, logo, pictorial representation which implies healthy / healthier / additive-free / veterinary medicine-free / more humane treatment or rearing of animals **UNLESS linked to specific protocols registered** under the Agricultural Products Standards Act (APS Act) or National Regulation for Compulsory Specs Act. *Examples: 'Grain fed' / 'Grassfed' / 'Karoo lamb' / 'Natural lamb' / 'Country reared' / 'Free range' / 'Pure' / 'Organic'* [Reg 47(1)].
- Any word, statement, phrase, logo, pictorial representation which convey or implies similar concepts as expressed below which are **NOT regulated** in terms of APS Act or National Regulation for Compulsory Specs Act **UNLESS comply** with criteria in Guideline 7. *Examples: 'Fresh' / 'Natural' / 'Nature's' / 'Pure' / 'Traditional' / 'Original' / 'Authentic' / 'Real' / 'Genuine' / 'Home made' / 'Farmhouse' / 'Handmade' / 'Selected' / 'Premium' / 'Finest' / 'Quality' / 'Best'* [Reg 47(2); Guideline 7].
- 'Wild' for fish & other Marine Foods (regulated by National Regulation for Compulsory Specs Act) **UNLESS qualified** as 'Wild caught' which is PERMITTED [Reg 47(3)].
- Frozen foods thawed for subsequent sale cannot label these as 'Fresh', **UNLESS qualified** as 'PREVIOUSLY FROZEN' in bold, uppercase, min 3mm height on label of pre-packed food or poster in close proximity to bulk food offered for sale [Reg 47(4)].
- **Forbidden wording for nutrient content claims** including rich in; excellent source; good source; enriched; enriched with X; with added X; contains X; Y% X free; packed with X; or similar wording [Reg 52(4)].
- No claim may be made on the label that the **food has acquired nutritive value from nutrients or substances added for technical or sensory reasons**. *Example: A product may not claim to contain Vitamin C if the vitamin C is added as an antioxidant* [Reg 50(10)(a)].
- **Claims cannot refer to anything not in the package** - provided if an adjunct then it must be clearly indicated and nutritional information can only be for what is in the package. *Example: A cereal product may claim to contain calcium if it is clearly indicated that milk has been added to the cereal* [Reg 50(11)].
- No claims for **novel fibres** [Reg 51(10)(a)].
- **No sugar added / No added sugar claims** are NOT allowed for any food containing any one or combination of the following sugars: xylose and mono- and disaccharides such as corn syrup, deionised, de flavoured fruit concentrates and juices, dextrose, dextrose syrup, fructose, fructose syrup, glucose, glucose syrup, invert sugar, lactose, maltose, maltose syrup, sucrose and sucrose syrup [Reg 52(13)].

#### CLAIMS ALLOWED ON LABELS:

- **Nutrient content claims<sup>4</sup>** have set conditions for each nutrient with specific wording required. Claims requiring more than 1 condition must meet all conditions for claims concerned.
  - ◆ For the purposes of nutrient content claims the following foods are classified as solids (soups: reconstituted canned or powdered; custard; sauces; chutney; yoghurt) and liquids (bouillons, consomme, marinades) [Reg 52(9)].
  - ◆ Where **minerals** have been added to a food the name of compound form from which elemental mineral was derived *Example: Calcium carbonate* must be listed in the ingredients list & the elemental mineral only in nutritional table *Example: Calcium* [Reg 52(6)].
  - ◆ **Vitamins & minerals** present naturally or added to **less than 5% NRV per single serving** may not be declared in nutrition table except food vehicles and packaged water. If present at **5 – 15% of NRV's** these can be listed in nutrition information table but NO CLAIMS allowed [Reg 52(7)].

<sup>4</sup> See Table 1 for criteria

- ◆ Nutrient content claims allowed:

- **Low / Virtually Free Or Free in:**

- Energy
- Total fat
- Saturated fat
- Cholesterol
- Mono-and disaccharides
- Sodium
- Alcohol (Non-alcoholic)

- **Source Of / High In / Very High in (only for those indicated):**

- Energy
- Carbohydrate
- Dietary fibre measured using 2 prescribed methods
- Protein
- Polyunsaturated fatty acids
- Mono-unsaturated fatty acids
- Omega-3 fatty acids (Very high in)
- Vitamins & Minerals - except potassium & sodium (Very high in)
- Carotenoids (Betacarotene, lycopene, lutein, zeaxanthin) [Reg 52].

- **Negative claims** that a food:

- ◆ Alone possesses a characteristic/property/substance when foods in same class/category possess same unless:

- Is often / commonly present
- The claim is worded in a generic manner - '(generic or category of food but no brand name) naturally contains (name of characteristic, property, substance)'. *Example: Dairy products naturally contain calcium* [Reg 14(a)].

- ◆ Is free from a particular characteristic/property/substance when foods in same class/category possess same unless:

- Is often / commonly absent
- The claim is worded in a generic manner - 'A naturally (name the nutrient) free food' **OR** '(generic/category name but no brand name) is a naturally (name characteristic/property/substance) free food'. *Example: Sunflower oil carrying a claim that it is a 'naturally cholesterol free food'* [Reg 14(b)].

- **Negative claims** for additives:

- ◆ When a permitted additive **is not used** in the brand then '(name of additive) free'. *Example: 'Tartrazine free'* [Reg 14(2)(a)].

- ◆ When **not permitted** then 'A (name of additive) free (name of category or class) as is the case with all (name of category or class). *Example: 'A preservative free juice as is the case with all aseptically packed juices'* [Reg 14(2)(b)].

- ◆ When a permitted additive is **not used in the brand, but is naturally present in the ingredients** then 'No added (name of additive)'. *Example: 'No added MSG'* [Reg 14(2)(c)].

- **Allergen-related claims** [Reg 45; 46]:

- ◆ Precautionary labelling:
  - Where there is a risk of cross-contamination then '**Not suitable for people with (allergen) allergy**' at end of or under the ingredient list can be used.
  - Where an allergen control policy (ACP) is in place and allergen testing is carried out regularly, but cross-contamination risk is still possible then '**May contain (allergen)**' and also may be labelled '**Allergen control programme in place**' at end of or under the ingredient list [Reg 45; Guideline 2].
- ◆ Gluten-free only allowed if food does not contain:
  - Ingredients derived from significant cereals
  - Ingredients from significant cereals with gluten not removed via processing
  - Ingredients from significant cereals with gluten removed but presence of >20mg/kg in final product
  - >20mg/kg gluten determined by ELISA<sup>5</sup> or Codex methods [Reg 46(1)(a)].
  - Naturally Gluten-free / Special Dietary / Special Dietetic claims not permitted for cereals which by nature are free of gluten, but may use 'This cereal product is by its nature gluten-free'. *Example: Rice* [Reg 46(1)(b)].
- ◆ Hypoallergenic / non-allergenic / allergen-free only allowed if:
  - **Hypoallergenic**' OR '**Non-allergenic**' or similar wording – Only if chemically or genetically modified to a level not detectable by suitable testing [Reg 46(2)(a)].
  - '**Free from (allergen)**' OR '**(Allergen) Free**' or similar wording – Only if tested to confirm absence of allergen using suitable testing [46(2)(b)].
- **Vegetarian claims:**
  - ◆ Must specify category: Lacto; Ovo; Honey; Strict or Vegan – Definitions are provided [Reg 48(1)].
  - ◆ For Strict/Vegan additives or ingredients derived from non-vegetarian origin must be declared as 'non-vegetarian origin' in (). *Example: A packet maize snacks uses Quinoline yellow as the colourant then: Ingredients: Maize, salt, flavourant, colourant (non-vegetarian origin).* [Reg 48(2); Guideline 8].
- **Fortified foods** must declare nutritional information as prescribed in Annexure 2 and relevant fortification specifications per daily serving and per 100g. Note: For dry, uncooked wheat flour and dry, uncooked maize meal, daily serving = 100g [Reg 51(2)].
- **Trans fat free claims** are proposed to be permitted for foods containing less than 0.01 grams per 100 grams in end product in the draft regulation R249 still out for public comment at time of writing [Reg.].
- **Fibre claims** require nutrition information by analysis and a statement of method of analysis as a footer (Annexure 2) or after words 'dietary fibre' in () if label space permits. Applicable criteria corresponding with the methods of analysis to be used [Reg 52(10)].
- **Protein claims** require 100% Amino Acid Reference Patterns (Annexure 5) & source must be included in ingredient list [Reg 52(11)].
- **Fat claims** include:
  - ◆ total, fatty acids and cholesterol which require analytical values and nutritional information for total fat, saturated fat, polyunsaturated fat, mono-unsaturated fat and cholesterol
  - ◆ Omega-3 claims which require analytical values & nutrition information for total fat, saturated fat, polyunsaturated fat of which is omega-3, mono-unsaturated fat and

<sup>5</sup> Enzyme Linked Immunosorbent Assay

cholesterol. The omega-3's further have to be identified as ALA<sup>6</sup> and/or EPA<sup>7</sup> and/or DHA<sup>8</sup> and/or DPA<sup>9</sup>.

- Requirements for meat products definitions – lean, trim etc.
- **Minced and Processed Meats** may make fat content claims if criteria are met [Reg 52(14)].
- **Comparative claims** with a statement of the amount of the difference as % (relative difference of at least 25% - calculations prescribed in Guideline 4) are permitted if different versions of the same or similar foods are compared, which must be clearly identified in close proximity to the claim for:
  - ◆ Total fat
  - ◆ Saturated fat
  - ◆ Trans fat
  - ◆ Sugar
  - ◆ Sodium /Salt
  - ◆ Energy
  - ◆ Alcohol
  - ◆ The following **OR** similar wording may be used for such comparative claims (subject to Guideline 4)
    - Reduced
    - Less than
    - Fewer
    - Light
    - Lite
- ◆ Prescribed nutritional information table must be provided for BOTH FOODS
- ◆ Information to be provided in the claim:
  - Specific nutrients relating to the comparison
  - Full description of 2 foods being compared
  - Exact amounts of 2 foods being compared [Reg 53].

<b>MANDATORY INFORMATION REQUIRED TO BE KEPT WHEN CLAIMS ARE MADE:</b>
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- **Allergen Claims** [Reg 45]:
  - ◆ Allergen risk analysis: Implementation of ACP (in accordance with Guideline 2); Hidden allergens in foods
  - ◆ Allergen risk management: PRP's; Processing procedures; Supplier control; Supplier information questionnaires; Allergen audit
  - ◆ Allergen risk communication to staff
  - ◆ Risk Review: sampling and testing protocols
- **Serving Size** [Reg 50(8)(b)]:
  - ◆ Manufacturer to keep and be able to produce on request appropriate, scientific, evidence-based documentation as justification for chosen serving size.
- In the case of **formulation changes** [Reg 50(9)]:
  - ◆ Nutritional content to be re-analysed when ingredients are changed in any way
  - ◆ Excludes additives.
- **Nutritional Information when claims are made** [Reg 50(12)]

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<sup>6</sup> Alpha Linolenic Acid

<sup>7</sup> Eicosapentanoic Acid

<sup>8</sup> Docosahexanoic Acid

<sup>9</sup> Docosapentanoic Acid

- ◆ Values to be derived through laboratory analysis using specified methods (as prescribed by the regulations / CODEX / SANAS / ILAC)
- ◆ Composite sample of **appropriate** number of samples over **suitable** time period from **reasonable** number of batches (details recorded / kept) as per Guideline 5
- ◆ To be verified at least once every 3 years with all records kept by manufacturers & copies given to an importer and/or distributor.

## VOLUNTARY INFORMATION FOR LABELS

- Information may be provided in any of the other official languages other than English [Reg 7(1)(a)].
- Words, pictorial representations, marks, **logos** or descriptions which create an impression that the food is supported by, endorsed by, complies with or has been manufactured in accordance with **religious, fauna & flora and SANAS accredited organization which certify certain quality aspects of foods and the safety thereof** [Reg 13(a)(ii)].
- When voluntary **Nutritional information** is provided and no claims are made then the information must be provided in the prescribed tabular format as per Annexure 2 (1) EXCEPT label size <900mm<sup>2</sup> then may be linear and can be from the following sources as long as the source is clearly indicated as footnote under Nutritional Information Table [Reg 50(13)]:

- ◆ **Single Ingredient Agricultural Commodities** may use:

- Latest edition of National Food Composition Tables (MRC)
- Where not available can use other recognised composition tables OR
- In-house analytical data OR
- calculation based on analytical values of individual ingredients as recorded in Supplier Information Files OR
- analysis by a reputable lab.

- ◆ **Other foods** may use:

- In-house analytical data
- Analysis by reputable lab
- Calculation based on analytical values of individual ingredients as recorded in Supplier Information Files.

## EXEMPTIONS

- **Small packages** with an exterior area of  $\leq 2000\text{mm}^2$  are exempted from all requirements except: Name / Address of manufacturer / appropriate date / allergens / irradiation (if applicable) [Reg 31].
- **Ingredients in food that do not require naming:**
  - ◆ Those temporarily separated during manufacture
  - ◆ Solvents, carriers
  - ◆ Water, other volatiles which evaporate during manufacture
- **Ingredients not required to be declared in the ingredient list:**
  - ◆ Vinegars derived by natural fermentation
  - ◆ Single ingredient foods
- **Foods exempt, unless a claim is made:**
  - ◆ Hen / ostrich eggs – need date of packing
  - ◆ Fresh, unprocessed, unmixed vegetables or fruit
  - ◆ Any drink referred to in Liquor Products Act
  - ◆ unpacked or transparently-packed servings of foods sold as snacks on the premises of preparation

- ice, except for the name and address of the manufacturer
- Unprocessed fish, unprocessed marine products, unprocessed meat of animal and birds referred to in Schedule 1 of the Meat Safety Act 40 of 2000 that is intended for human consumption in South Africa, that **have not** been pre-packed
- Unprocessed fish, unprocessed marine products, unprocessed meat of animal and birds referred to in Schedule 1 of the Meat Safety Act 40 of 2000 that is intended for human consumption in South Africa, that **have** been pre-packed so that the contents are identifiable.
- Foods, unless a claim is made and must make ingredient list and allergens available at point of sale on request:
  - Unpre-packed wheat products (naked bread)
  - Raw-processed meats
  - Any ready-to-eat foods prepared and sold in catering establishments for consumption
  - Flour confectionary intended to be consumed within 24 hours of manufacture.

## COMMENCEMENT

- For "X% Free" claims described in Reg 52(5)(a) – these regulations came into operation on 1 June 2010
- All other regulations come into operation on 1 March 2012, provided that the date of manufacture, including foods manufactured in bulk and re-packaged for distribution as final end product, will be considered the date from which full compliance is applicable.

## INFORMATION TO BE KEPT ON FILE FOR INSPECTION

- **Proof of Protocol – Dept. of Agriculture [Reg 47]:**  
Substantiation for claims outlined in Guideline 7. Example: healthier / additive or veterinary medicine free / humane treatment or rearing of animals
- **Nutritional Information when claims made [Reg 50(12)(c)]:**
  - Report outlining the details of how the sampling was conducted based on Guideline 5
  - Manufacturer to keep report but provide importer and/or distributor with copies
  - Reports and correspondence with reputable laboratory
- **Serving Size [Reg 50(8)(b)]:**  
Manufacturer to keep and be able to produce on request appropriate, scientific, evidence-based documentation as justification for chosen serving size.
- **Formulation Changes [Reg 50(9)]:**
  - Nutritional content to be re-analysed when ingredients are changed in any way and kept on file
  - Excludes change of additives as this doesn't affect nutritional value of final product.
- **Endorsements of manufacturer or seller with regard to nutritional or safety properties of the food [Reg 13(c)]:**
  - Valid and appropriate substantiation
  - Must be submitted to an inspector within 2 working days
- **Bulk Stock [Reg 30(2)]:**  
Relevant trade documents reflecting particulars required to appear on labels of pre-packaged foods
- **Storage Instructions [Reg 32(2)]:**  
Documentation which substantiates that the storage instructions will ensure that specific quality attributes for claims made, are preserved and retained.
- **Allergens:**  
Guideline 2 prescribes information to be kept by manufacturer:
  - Allergen risk analysis
  - Implementation of ACP
  - Hidden allergens in foods
  - Allergen risk management
    - PRP's
    - Processing procedures

- Supplier control
  - Supplier information questionnaires
  - Allergen audit
  - Allergen risk communication
    - To staff
  - Risk Review
    - Sampling
    - Testing protocols
- **Endorsements by organisations, associations, foundations [Reg 13(a)(ii)]:**
    - Proof of generic health promotion
    - Supported by evidence-based nutrition
    - Doesn't contradict requirements of the regulations
  - **Trans fat content of ingoing ingredients [R127 of Feb 2011]**
    - *Trans-Fat* content per individual ingredient at the mixing bowl stage
    - Derived from partially hydrogenated fat, in an ingredient or additive, or naturally occurring
  - **Ingredients in food that do not require naming:**
    - Those temporarily separated during manufacture
    - Solvents, carriers
    - Water, other volatiles which evaporate during manufacture
  - **Ingredients not required to be declared in the ingredient list:**
    - Vinegars derived by natural fermentation
    - Single ingredient foods
  - **Foods exempt, unless a claim is made:**
    - Hen / ostrich eggs – need date of packing
    - Fresh, unprocessed, unmixed vegetables or fruit
    - Any drink referred to in Liquor Products Act
    - unpacked or transparently-packed servings of foods sold as snacks on the premises of preparation
    - ice, except for the name and address of the manufacturer
    - Unprocessed fish, unprocessed marine products, unprocessed meat of animal and birds referred to in Schedule 1 of the Meat Safety Act 40 of 2000 that is intended for human consumption in South Africa, that have not been pre-packed
    - Unprocessed fish, unprocessed marine products, unprocessed meat of animal and birds referred to in Schedule 1 of the Meat Safety Act 40 of 2000 that is intended for human consumption in South Africa, that have been pre-packed so that the contents are identifiable.
  - **Foods, unless a claim is made :**
    - Unpre-packed wheat products (naked bread)
    - Raw-processed meats
    - Any RTE foods prepared and sold in catering establishments for consumption
    - Flour confectionary intended to be consumed within 24 hours of manufacture.
  - **Small Packages [Reg 31]**
    - Exterior area  $\leq 2000\text{mm}^2$  exempted from most
      - Name / Address of manufacturer / appropriate date / allergens / irradiation (if applicable)
    - Single once-off use  $\leq 10\text{g}$  packs of herbs & spices

/ENDS