

(30 June 2001 – to date)

AGRICULTURAL PRODUCT STANDARDS ACT 119 OF 1990

(Government Notice 1621 in Government Gazette 12641 dated 13 July 1990. Commencement date: 1 September 1991 [Proc. No. R.82 in Gazette No. 13489 dated 23 August 1991].)

REGULATIONS REGARDING CONTROL OVER THE SALE OF MAYONNAISE AND SALAD DRESSING IN THE REPUBLIC OF SOUTH AFRICA

Government Notice R636 in Government Gazette 21313 dated 30 June 2000. Commencement date: 30 June 2001

The Minister of Agriculture has, under section 15 of the Agricultural Product Standards Act, 1990 (Act No. 119 of 1990) –

- (a) made the regulations in the Schedule;
- (b) repealed the regulations published by Government Notice No. R. 865 of 27 June 1997; and
- (c) determined that the said regulations shall come into operation twelve months after date of publication hereof.

SCHEDULE

1. Definitions

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

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

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

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

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

"letters" also means figures and symbols;

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

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

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

"per cent" means per cent by volume;

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

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

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

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

2. Restriction on the sale of mayonnaise and salad dressing

- (1) No person shall sell mayonnaise or salad dressing in the Republic of South Africa –
 - (a) unless such product complies with the quality standards specified in regulation 3;
 - (b) unless the containers in which such product is packed, comply with the requirements referred to in regulation 4;
 - (c) unless such product is marked with the particulars and in the manner referred to in regulation 5; and
 - (d) if such product is marked with particulars with which it may not be marked.

The executive officer may exempt a person in writing, entirely or partially and on such conditions as he or she deems necessary, from the provisions of subregulation (1).

3. Quality standards

(1) Mayonnaise –

(a) shall contain –

- (i) at least 52 per cent edible vegetable oil;
- (ii) permitted acidifying agent; and
- (iii) either egg or modified milk protein; and

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

- (i) water;
- (ii) salt;
- (iii) mustard;
- (iv) spices and other harmless flavourants;
- (v) herbs;
- (vi) vegetables;
- (vii) tomato paste or tomato purée;
- (viii) monosodium glutamate;
- (ix) permitted sweeteners;
- (x) permitted food colourants and permitted preservatives; and
- (xi) permitted stabilisers or thickeners:

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

(2) Reduced oil mayonnaise shall –

- (a) contain not more than 39 per cent and not less than 25 per cent edible vegetable oil; and
- (b) subject to the provisions of paragraph (a), comply with all the quality standards prescribed in subregulation (1).

(3) Salad cream –

- (a) shall contain –
 - (i) at least 25 per cent edible vegetable oil;
 - (ii) permitted acidifying agent;
 - (iii) either egg or modified milk protein; and
 - (iv) starch paste prepared from food starch, modified food starch, tapioca flour, wheat flour, rye flour, or a combination thereof: Provided that water may be added in the preparation of such paste; and
- (b) may contain any of the ingredients as prescribed in subregulation (1)(b): Provided that the ingredients shall be added to the extent permitted under the Foodstuff; Cosmetics and Disinfectants Act, 1972 (Act No. 54 of 1972).

(4) Reduced oil salad cream shall –

- (a) contain not more than 18 per cent and not less than 13 per cent edible vegetable oil; and
- (b) subject to the provisions of paragraph (a), comply with all the quality standards prescribed in subregulation (3).

(5) Salad dressing –

- (a) shall contain not more than 50 per cent and not less than 12 per cent edible vegetable oil; and
- (b) may contain the following permitted ingredients singly or in combinations thereof-
 - (i) permitted acidifying agent;
 - (ii) water;

- (iii) salt;
- (iv) mustard;
- (v) spices and other harmless flavourants;
- (vi) herbs;
- (vii) vegetables;
- (viii) tomato paste or tomato purée;
- (ix) monosodium glutamate;
- (x) permitted sweeteners;
- (xi) permitted food colourants and permitted preservatives;
- (xii) permitted stabilisers or thickeners;
- (xiii) either egg or modified milk protein;
- (xiv) modified starch; and
- (xv) milk solids:

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

(6) Reduced oil salad dressing –

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

(7) Oil-free salad dressing –

- (a) shall contain not more than 0,5 per cent edible vegetable oil; and

- (b) may contain any of the ingredients as prescribed in subregulation (5)(b): Provided that the ingredients shall be added to the extent permitted under the Foodstuffs, Cosmetics and Disinfectants Act, 1972 (Act No. 54 of 1972).

4. Requirements for containers

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

5. Marking requirements

- (1) Each container shall be marked in clear, legible and indelible letters with the following particulars:
 - (a) The name or trade mark of the packer.
 - (b) The physical address of the packer.
 - (c) A true description of the product: Provided that –
 - (i) the word "salad" may be substituted by a descriptive name for the product concerned; and
 - (ii) where an ingredient has been added that imparts a special or characteristic flavour to the product, this shall be indicated by an appropriate term in conjunction with or in close proximity to the product name.
 - (d) The type of vegetable oil together with the vegetable oil content thereof.
 - (e) An indication of the net mass or net volume depending on the product, as required in terms of the Trade Metrology Act, 1973 (Act No. 77 of 1973).

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

6. Prohibited particulars

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

7. Offences and penalties

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.

8. Other legislation

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