

(3 September 1999 – to date)

FOODSTUFFS, COSMETICS AND DISINFECTANTS ACT 54 OF 1972

Government Notice 923 in Government Gazette 3530 dated 2 June 1972. Commencement date: 1 January 1973 [Proc. No. 247 in Gazette No. 3669 dated 6 October 1972]

REGULATIONS RELATING TO FOOD COLOURANTS

Government Notice R1008 in Government Gazette 17258 dated 21 June 1996. Commencement date: 1 September 1996

As amended by:

Government Notice R1055 in Government Gazette 20413 dated 3 September 1999. Commencement date: 3 September 1999

The Minister of Health has, in terms of section 15(1) of the Foodstuffs, Cosmetics and Disinfectants Act, 1972 (Act No. 54 of 1972), made the regulations in the Schedule.

SCHEDULE

1. In this Schedule **"the Act"** means the Foodstuffs, Cosmetics and Disinfectants Act, 1972 (Act No. 54 of 1972), and any expression to which a meaning has been assigned in the Act shall bear such meaning and, unless inconsistent with the context –

"colourant" means any substance which adds or restores colour in a foodstuff and includes any natural component of a foodstuff or a natural source as such not normally consumed as a foodstuff and not normally used as a characteristic ingredient of a foodstuff but added to a foodstuff for the purpose of colouring, and includes the synthetic equivalent of any natural colourant provided it is chemically identical to the pure colour principle of the natural colourant;

"colour index number (C.I. no.)" means the number allotted to the specific colourant in the latest edition of the *Colour Index of the Society of Dyers and Colourists, England*;

"fruit beverage products" means the classes fresh fruit juice, fruit juice, fruit nectar, fruit drink, fruit squash and fruit flavoured drink as defined in the Regulations relating to the Classification, Packing and Marking of Fruit Juice and Drink intended for Sale in the Republic of South Africa (Government Notice No. R. 286 of 7 November 1980, as amended), promulgated in terms of the Agricultural Product Standards Act, 1990 (Act No. 119 of 1990);

(Definition of "fruit beverage products" inserted by R1055 of 1999)

Prepared by:

"GMP" means limited by good manufacturing practice;

"processed" means processed as defined in the regulations governing the labelling and advertising of foodstuffs published by Government Notice No. R. 2034 of 29 October 1993;

"surimi" means refined, stabilised, frozen fish mince which is used to manufacture products such as fish sausage and seafood analogue products such as crab sticks.

(Definition of "surimi" inserted by R1055 of 1999)

2. No person shall sell any foodstuff to which any colourant has been applied or added, except in so far as provided for as follows:
 - (a) Only the colourants listed in Annex 1 may be used as colourants in foodstuffs.
 - (b) Colourants may be used only in the foodstuffs listed in Annexes III, IV and V and subject to the conditions specified therein.
 - (c) Colourants shall not be used in the foodstuffs listed in Annex II, except where expressly permitted in Annex III, IV or V.
 - (d) Colourants permitted for certain uses only are listed in Annex IV.
 - (e) Colourants permitted in general in foodstuffs and their conditions of use are specified in Annex V.
 - (f) The maximum levels indicated in the Annexes relate to foodstuffs in the ready-to-eat form, unless otherwise stated.
3. All colourants shall comply with the latest specifications for identity and purity of food colourants issued by the Joint Food and Agricultural Organisation/World Health Organisation Expert Committee on Food Additives and, where such specifications do not exist, the provisions of the latest edition of the *Food Chemicals Codex* shall apply.
4. The presence of a colourant in a foodstuff is permissible in a compound foodstuff other than one mentioned in Annex II to the extent that the colourant is permitted in one of the ingredients of the compound foodstuff or if the foodstuff is intended to be used only in the preparation of a compound foodstuff, to such an extent that the compound foodstuff complies with the provisions of this regulation.
5. For the purposes of these regulations the following substances shall not be regarded as colourants:

Foodstuffs, flavouring and their components, incorporated during the manufacture of compound foodstuffs, because of their aromatic, sapid or nutritive properties and, together with this, a secondary colouring effect.

6. No diluent shall be added to any colourant mentioned in Annex I, III, IV or V other than a diluent or any combination of diluents mentioned in Annex VI which conforms to the general purity criteria laid down in Annex VI.
7. These regulations shall not apply to the foodstuffs referred to in the regulations published under Government Notice No. R. 2870 of 31 December 1981 relating to wine, other fermented beverages and spirits.
8. The regulation published under Government Notice No. R. 756 of 6 May 1977, as amended by Government Notices Nos. R. 1958 of 9 September 1983, R. 103 of 20 January 1984, R. 2152 of 27 September 1985, R. 2660 of 29 November 1985, R. 517 of 21 March 1986, R. 937 of 30 April 1987, R. 1123 of 22 May 1987, R. 1293 of 1 July 1988, R. 1427 of 15 July 1988, R. 1933 of 17 August 1990, R. 2380 of 12 October 1990, R. 2140 of 30 August 1991, R. 1878 of 10 July 1992, R. 118 of 29 January 1993, R. 325 of 5 March 1993, R. 341 of 5 March 1993, R. 710 of 30 April 1993, R. 943 of 4 June 1993, R. 964 of 4 June 1993, R. 1027 of 25 June 1993 and R. 1219 of 9 July 1993, is hereby repealed.
9. These regulations shall come into operation on 1 September 1996.

ANNEXURE 1
LIST OF PERMITTED COLOURANTS

Shade	Name of colourant	Colour index number
Black	Black PN or brilliant black BN	28440
	Vegetable carbon	-
Blue	Brilliant Blue FCF	42090
	Patent Blue V	42051
	Indigotine or indigo carmine	73015
Brown	Brown FK	-
	Brown HT	20285
	Plain caramel	-
	Caustic sulphite caramel	-
	Ammonia caramel	-
	Sulphite ammonia caramel	-
Colourants for specific purposes only	Aluminium	77000
	Gold	77480
	Silver	77821
	Litholrubine BK or pigment rubine	15850
Green	Green S, acid brilliant green BS or lissamine green	44090
	Chlorophylls	75810

Shade	Name of colourant	Colour index number
	Chlorophyllins	75815
	Copper complexes of chlorophylls and chlorophyllins	75815
Orange	Sunset yellow FCF or orange yellow S	15985
Red	Allura red AC	16035
	Beetroot red or betanin	-
	Carmoisine or azorubine	14720
	Cochineal, natural red or carminic acid	75470
	Erythrosine BS	45430
	Iron oxides and hydroxides	77491
		77492
		77499
	Ponceau 4R or cochineal red A	16255
Various	Anthocyanins	Prepared using physical methods from fruits
White	Titanium dioxide	77891
	Calcium carbonate	77220
Yellow	Curcumin	75300
	Quinoline yellow	47005
	Riboflavin or lactoflavin	-
	Riboflavin-5'-phosphate	-
	Tartrazine	19140
	Carotenoids:	
	Annatto or bixin or norbixin	75120
	Betacarotene	40800
	Beta-apo-8'-carotenal	40820
	Capsanthin or capsorubine or paprika extract	-
	Ethyl ester of beta-apo-8'-carotenoic acid	40825
	Mixed carotenes	75130
	Lycopene	75125
	Xanthophylls:	
	Canthaxanthin	40850
	Lutein	-

Note: Aluminium lacquer colourants prepared from colourants mentioned in this Annex are authorised.

ANNEX II

Prepared by:

**FOODSTUFFS WHICH MAY NOT CONTAIN ADDED COLOURANTS, EXCEPT WHERE PERMITTED IN
ANNEXES III, IV AND V**

Bottled natural water.

Bread.

Cocoa and chocolate.

Coffee, including instant coffee.

Egg yolk, egg white, whole egg and egg powder.

Fish, meat and poultry and products prepared therefrom.

Flour and starch.

Foodstuffs which are not processed.

Foodstuffs for infants, young children as specified under the Act.

Fruit juices as defined by the Agricultural Product Standards Act, No. 119 of 1990.

Honey.

Tea, tea extracts and infusions, including instant tea mixes.

Tomato paste.

Spices.

Unflavoured buttermilk.

Unflavoured cream and cream powder.

Unflavoured fermented milk.

Unflavoured milk, semi-skimmed and skimmed milk and pasteurised or sterilised, including UHT sterilised, milk.

(Annex II amended by R1055 of 1999)

ANNEX III

FOODSTUFFS TO WHICH ONLY CERTAIN PERMITTED COLOURANTS MAY BE ADDED

Foodstuffs	Permitted colourant	Colour index number	Maximum level (mg/kg)
Butter	Beta carotene	40800	GMP
	Mixed carotenes	75130	GMP
Cheese	Patent blue V	42051	GMP
	Chlorophylls	75810	GMP
	Chlorophyllins	75815	GMP
	Copper complexes of chlorophylls and chlorophyllins	75815	GMP
	Vegetable carbon	-	GMP
	Carotenes	75130	GMP
	Beta carotene	40800	GMP
	Titanium dioxide	77891	GMP
Fats and oils	Beta-apo-8' -carotenal	40820	GMP

Prepared by:

Foodstuffs	Permitted colourant	Colour index number	Maximum level (mg/kg)
	Ethyl ester of beta-apo-8' -carotenoic acid	40825	GMP
	Mixed carotenes	75130	GMP
	Beta carotene	40800	GMP
	Curcumin	75300	GMP
	Riboflavin	-	GMP
	Riboflavin-5'-phosphate	-	GMP
Foodstuffs consisting exclusively or in part of meat and/or edible offal (excluding boerewors, species-sausages, mixed species-sausages and raw or unprocessed meat)	Beetroot red	-	GMP*
	Cochineal, natural red or carminic acid	75470	100
	Erythrosine BS	45430	30*
	Ponceau 4R	16255	30*
	Plain caramel	-	GMP
	Caustic sulphite caramel	-	GMP
	Ammonia caramel	-	GMP
	Sulphite ammonia caramel	-	GMP
Margarine	Curcumin	75300	GMP
	Beta carotene	40800	GMP
	Beta-apo-8' -carotenal	40820	GMP
	Ethyl ester of beta-apo-8' -carotenoic acid	40825	GMP
Meat, raw or unprocessed, and egg shell for decorative purposes	Allura red AC	16035	For marking only
	Brilliant black BN	28440	
	Brilliant blue FCF	42090	
	Brown HT	20285	
	Green S	44090	
	Ponceau 4R	16255	
	Sunset yellow FCF	15985	
	Tartrazine	19140	
Nuts, pistachio	Allura red AC	16035	GMP (only for application to the outer shell)
Tomato juice and guava juice	Betanine	-	GMP
	Carmoisine	14720	GMP
	Ponceau 4R	16255	GMP
	Sunset yellow FCF	15985	GMP
	Tartrazine	19140	GMP
Whole meal, brown or malt bread	Plain Caramel	-	GMP
	Caustic sulphite caramel	-	GMP
	Ammonia caramel	-	GMP

Foodstuffs	Permitted colourant	Colour index number	Maximum level (mg/kg)
	Sulphite ammonia caramel	-	GMP

* Colourants must be homogeneously mixed throughout the product at all concentrations.

(Annex III amended by R1055 of 1999)

ANNEX IV COLOURANTS PERMITTED FOR CERTAIN USES ONLY

Colourant	Foodstuffs	Colour index number	Maximum level (mg/kg)
Aluminium	External coating of sugar confectionery for the decoration of flour confectionery	77000	GMP
Annatto	Butter	75120	10 (as bixin)
	Margarine		10 (as bixin)
	Cheese		10 (as bixin)
	Fats and oils		10 (as bixin)
	Fish		20 (as bixin)
	Achar		10 (as bixin)
	Milk drinks		2 (as bixin)
	Cereals		25 (as bixin)
	Sauces and seasonings		20 (as bixin)
	Sausages (excluding boerewors, species-sausages and mixed species-sausages)		10 (as bixin)
	Decorations and coatings		20 (as bixin)
Brown FK	Smoked and cured fish		20
Canthaxanthin	Fruit beverage products, excluding fruit juices	40850	5
	Powdered soups and drinks		100
	Sauces		20
	Sugar confectionery		20
Erythrosine BS	Sugar confectionery	45430	150
	Cocktail cherries and candied cherries		200
	Cherries in syrup and cherries in fruit cocktails		150
	Meat, raw or unprocessed		For marking only
	Processed meat		30*
Gold	External coating of sugar confectionery (excluding chocolate)	77480	GMP

	Liqueurs	77480	GMP
Litholrubine Bk	On the rind of cheese only	15850	GMP
Silver	External coating of sugar confectionery (excluding chocolate)	77821	GMP

* Colourant must be homogeneously mixed throughout the product at all concentrations.

(Annex IV amended by R1055 of 1999)

ANNEX V

COLOURANTS PERMITTED IN FOODSTUFFS OTHER THAN THOSE LISTED IN ANNEXES II AND III

TABLE 1

The following colourants may, subject to GMP, be used in foodstuffs mentioned in Table 3 and in all foodstuffs other than those in Annexes II and III:

Colourant	Colour index number
Ammonia caramel	-
Anthocyanins	-
Beetroot red or betanin	-
Calcium carbonate	77220
Capsanthin or capsorubin or paprika extract	-
Carotenes	40800 and 75130
Caustic sulphite caramel	-
Chlorophylls	75810
Chlorophyllins	75815
Copper complexes of chlorophylls and chlorophyllins	75815
Iron oxides and hydroxides	77491 77492 77499
Plain caramel	-
Riboflavin	-
Riboflavin-5' -phosphate	-
Sulphite ammonia caramel	-
Titanium dioxide	77891
Vegetable carbon	-

TABLE 2

The following colourants may be used singly or in combination in the foodstuffs and up to the maximum level specified in Table 3 hereof:

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Colourant	Colour Index Number
Allura red AC	16035
Azorubine or carmoisine	14720
Bea-apo-8' -carotenal	40820
Ethyl ester of beta-apo-8'-carotenoic acid	40825
Brilliant black BN or black PN	28440
Brilliant Blue FCF	42090
Brown HT	20285
Cochineal, natural red or carminic acid	75470
Curcumin	75300
Green S	44090
Indigotine or indigo carmine	73015
Lutein	-
Lycopene	75125
Patent blue V	42051
Ponceau 4R or cochineal red A	16255
Sunset yellow FCF or orange yellow S	15985
Tartrazine	19140
Quinoline yellow	47005

TABLE 3

The colourants referred to in table 2 may be used in the following foodstuffs up to the specified maximum level:

Foodstuffs	Maximum level (as pure dye) (mg/kg unless otherwise indicated)
Breakfast cereals	200
Candied fruits	200
Canned strawberries	200
Canned vegetables	200
Decorations and coatings	500
Desserts	150
Dietary supplements	GMP
Edible cheese rind and edible collagen casings	GMP
Edible ices	150

Prepared by:

Fine bakery wares (e.g. viennoiserie, biscuits, cakes and wafers)	200
Fish and crustacean pastes or pâtés, fish roe, salmon substitute, surimi and smoked or preserved fish	500
Flavoured dairy products	150
Formulae for particular nutritional uses	50
Jams, jellies, marmalade and fruit spreads	500
Non-alcoholic flavoured drinks (including fruit beverage products. but not fruit juices)	100 mg/l
Preserves of red fruits	200
Processed cheese	200
Ready-to-eat savouries. (Until 1997-12-31):	
- Extruded [<i>sic</i>] or expanded savoury snack products	350
- Other savoury snack products and savoury coated nuts	200
Ready-to-eat savouries. (From 1998-01-01):	
- Extruded [<i>sic</i>] or expanded savoury snack products	200
- Other savoury snack products and savoury coated nuts	100
Sauces, seasonings and condiments	500
Soups and broths	300
Sugar confectionery	300
Vegetables in vinegar, brine or oil, including achar	150

(Table 3 of Annex V amended by R1055 of 1999)

ANNEX VI

DILUENTS AUTHORISED FOR USE WITH PERMITTED COLOURANTS, AND PURITY CRITERIA FOR DILUENTS

- Diluents:** Ethyl alcohol; ethyl acetate; sodium carbonate; sodium bicarbonate; sodium chloride; sodium sulphate; glucose; lactose; sucrose; dextrans; starches; sorbitol; edible oils and fats; beeswax; citric acid; tartaric acid; lactic acid; fumaric acid; gelatin; mallic acid; pectins; ammonium, sodium or potassium alginates; esters of L-ascorbic acid with straight-chain C14, C16 and C18 fatty acids (to be used exclusively for the colourants alpha, beta and gamma carotene; annatto, bixin, norbixin and xanthophylls of Annex I); acetic acid; potassium or sodium hydroxide; ammonium hydroxide (ammonia solution); water.

Any permitted ingredient of the foodstuff concerned.

- The products listed in 1 above shall conform to the following criteria of purity:

(a) INORGANIC IMPURITIES

- The products shall not contain more than 5 mg/kg of arsenic and/or 20 mg/kg of lead.

- (ii) The products shall not contain more than 100 mg/kg of any one of the following substances:

Antimony, copper, chromium, zinc or barium sulphate; or more than 200 mg/kg of these substances taken together. The products shall not contain cadmium, mercury, selenium, thallium, uranium, chromates or soluble barium compounds in measurable quantities.

(a) ORGANIC IMPURITIES

The products shall not contain aromatic polycyclic hydrocarbons.