

(5 September 2016 – 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 GOVERNING TOLERANCE FOR FUNGUS-PRODUCED TOXINS IN FOODSTUFFS

Government Notice R1145 in Government Gazette 26849 dated 8 October 2004. Commencement date: 8 October 2004

As amended by:

Government Notice R751 in Government Gazette 32409 dated 17 July 2009. Commencement date: 17 July 2009

Government Notice 987 in Government Gazette 40250 dated 5 September 2016. Commencement date: 5 September 2016

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. Definitions

In these regulations, "**the Act**" refers to Foodstuffs, Cosmetics and Disinfectants Act, 1972 (Act No. 54 of 1972, and any expression to which the meaning has been assigned in the Act shall bear that meaning, unless the context indicates otherwise –

"Ergot sclerotia" means the sclerotia of the fungus *Claviceps purpurea*;

"further processing" means any other treatment or processing method that has been proven to reduce the levels of fungus produced toxins in foodstuffs intended for human consumption.

(Definition of "further processing" substituted by regulation 1(a) of GN 987 of 2016)

2. Restrictions

For the purposes of section 2(1)(b)(i) of the Act, in so far as it is applied to and is applicable to foodstuffs, the following foodstuffs are hereby deemed to be contaminated, impure or decayed –

- (a) Peanuts intended for further processing, which contain more than 15 µg/kg of aflatoxin (total);
- (b) all foodstuffs, ready for human consumption, which contain more than 10 µg/kg of aflatoxin, of which aflatoxin B₁ is more than 5 µg/kg;
- (c) milk containing more than 0.05 µg/l of aflatoxin M₁;
- (d) Wheat [sic], rye, barley and oats which contain more than 0.05% (m/m) of *Ergot sclerotia*. [sic]
(Regulation 2(d) substituted by regulation 2 of GNR 751 of 2009)
- (e) apple juices and apple juice ingredients in other beverages containing more than 50 µg/l of patulin.
- (f) cereal grains (wheat, maize and barley) intended for further processing, which contain more than 2000 µg /kg of Deoxynivalenol;
(Subregulation (f) inserted by regulation 2(a) of GN 987 of 2016)
- (g) flour, meal, semolina and flakes derived from wheat, maize or barley, ready for human consumption, which contain more than 1000 µg /kg of Deoxynivalenol;
(Subregulation (g) inserted by regulation 2(a) of GN 987 of 2016)
- (h) raw maize grain, intended for further processing, which contain more than 4000 µg /kg of Fumonisin (B₁ + B₂), the whole commodity; and
(Subregulation (h) inserted by regulation 2(a) of GN 987 of 2016)
- (i) maize flour and maize meal, ready for human consumption, which contain more than 2000 µg /kg of Fumonisin (B₁ + B₂), the whole commodity.
(Subregulation (i) inserted by regulation 2(a) of GN 987 of 2016)

3. Enforcement

The sampling plan for the analysis of total aflatoxins in peanuts intended for further processing to be used for enforcement and control in terms of these regulations shall be in accordance with the provisions laid down by the *Joint Food and Agricultural Organization/World Health Organization (FAO/WHO) Food Standards Programme's Codex Alimentarius Commission*, i.e. Sampling Plan for Aflatoxins in Peanuts Intended for Further Processing (CODEX STAN 209 of 1999 as revised in 2001).

4. Repeal

The regulations published under Government notice No. R. 313 of 16 February 1990 as amended by Government Notices No. R. 614 of 23 March 1990, No. R. 830 of 20 March 1992 and No. R. 1143 of 4 August 1995 are hereby repealed.

(Signed)

ME TSHABALALA-MSIMANG

MINISTER OF HEALTH

Prepared by: