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**GOVERNMENT NOTICE
GOEWERMENTSKENNISGEWING**

**DEPARTMENT OF HEALTH
DEPARTEMENT VAN GESONDHEID**

No. R. 317

17 April 2012

**FOODSTUFFS, COSMETICS AND DISINFECTANTS ACT, 1972
(ACT NO. 54 OF 1972)**

**REGULATIONS – SOFT DRINKS:
AMENDMENT**

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 these regulations, "**the Regulations**" means the regulations published under Government Notice No. R.1769 of 9 August 1985, as amended.

Amendment of the definitions of the Regulations

2. The definitions of the Regulations are amended by the addition of the following definitions:

"**caffeine**" means all caffeine present from whatever source in a formulated caffeinated beverage or cola beverage.

"**formulated caffeinated beverages**" means a non-alcoholic water-based flavoured or non-flavoured beverage which contains added caffeine and may contain other substances, including ingredients, for the purpose of enhancing mental or physical performance.


Amendment of the Regulations

3. The table of additives in Regulation 2 is amended by:
 - (a) The correction of the word "caffein" in column I, to read "caffeine"
 - (b) The addition of the ^ symbol in column I next to the asterisk * symbol for caffeine.
 - (c) The addition of a symbol and wording: " ^ No limit in formulated caffeinated beverages only, subject to the provisions of Regulation 4 [3 (a) – (c)]", underneath the table.

4. Regulation 4 is hereby amended by the addition of the following text, underneath sub-regulation (2):
 - (3) Formulated caffeinated beverages that contain more than 150 mg per litre (mg/L) caffeine shall:
 - (a) indicate the following clearly legible message on the main panel of the label; meaning in the same field of vision as the name under which the product is sold, in letters of which the smallest letter is not less than 3.0 mm in height: "High caffeine content"
 - (b) indicate the following clearly legible message on the label, not less than 1.3 mm in height: "Not recommended for children under 12 years of age; pregnant or lactating women; persons sensitive to caffeine "
 - (c) On the label, include a declaration on the quantity of caffeine, per single serving size and per 100 ml, expressed in milligrams or "mg", in one of the following ways:
 - (i) In or directly under the nutritional table; or
 - (ii) adjacent to or below the message " High caffeine content"; or
 - (iii) in the list of ingredients, in brackets following "caffeine".

Commencement

5. These regulations will come into effect twelve (12) months after the publication of the final amendment; provided that following the mentioned date, for the purpose of compliance monitoring, the date of manufacture of formulated caffeinated beverages will be considered the date from which full compliance to the provisions of these regulations are applicable.



DR A MOTSOLEDI, MP
MINISTER OF HEALTH
DATE: 12/3/12

**WET OP VOEDINGSMIDDELS, SKOONHEIDSMIDDELS EN
ONTSMETTINGSMIDDELS, 1972
(WET NO. 54 VAN 1972)**

**REGULASIES – KOELDRANKE:
WYSIGING**

Die Minister van Gesondheid het kragtens artikel 15 (1) van die Wet op Voedingsmiddels, Skoonheidsmiddels en Ontsmettingsmiddels, 1972 (Wet No. 54 van 1972), die regulasies in die Bylae hiervan uiteengesit, uitgevaardig.

BYLAE

1. In hierdie bylae beteken **“die regulasies”** die regulasies afgekondig by Goewermentskennisgewing No. R. 1769 van 9 Augustus 1985, soos gewysig.

Wysiging van die definisies van die Regulasies

2. Regulasie 1 van die Regulasies word hierby gewysig deur die byvoeging van die volgende definisies:

“kaffeïen” beteken alle kafeïen teenwoordig van watter bron ook al, in 'n geformuleerde gekaffeïeneerde drankie of 'n koladrankie.

“geformuleerde gekaffeïeneerde drankies” beteken 'n nie-alkoholiese water-gebaseerde drank wat bygevoegde kaffeïen en ander stowwe, insluitend bestanddele, bevat vir die doel van die verbetering van geestelike of fisiese prestasie.

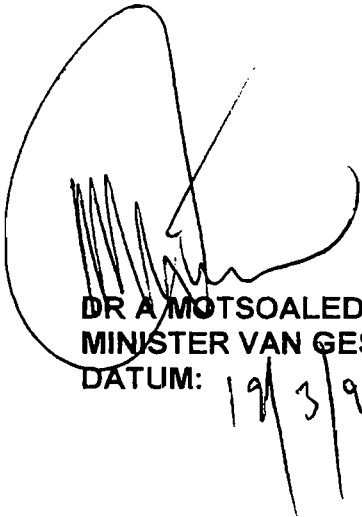
Wysiging van die Regulasies

3. Die tabel met additiewe in Regulasie 2 word hierby gewysig deur:
 - (a) In die Engelse teks, die regstelling van die woord "caffein" in kolom I, om te lees "caffein".
 - (b) Die byvoeging van die ^ simbool in kolom I langs die asterisk * simbool vir kaffeïen.
 - (c) Die byvoeging van 'n simbool en bewoording: "^ Geen beperking in geformuleerde gekaffeïeneerde drankies nie, onderhewig aan die bepalings van regulasie 4 [3 (a) - (c)]", onderaan die tabel.

4. Regulasie 4 word hierby gewysig deur die byvoeging van die volgende teks, onderaan sub-regulasie 2:
 - (3) Geformuleerde gekaffeïeneerde drankies wat meer as 150 miligram per liter (mg / L) kaffeïen bevat sal:
 - (a) Aandui die volgende duidelik leesbare boodskap op die hoofpaneel van die etiket dra; bedoelende binne dieselfde veld van visie as die naam waaronder die produk verkoop word, in letter grootte waarvan die kleinste letter nie minder is nie as 3,0 mm in hoogte: "Hoë kaffeïen inhoud".
 - (b) Aandui die volgende duidelike leesbare boodskap op die etiket, in nie minder as 1.3 mm in hoogte: "Nie aanbeveel vir kinders jonger as 12 jarige ouderdom; swanger en borsvoedende vrouens; persone wat sensitief is vir kaffeïen".
 - (c) Op die etiket, sluit in 'n verklaring oor die hoeveelheid kaffeïen per enkel porsie grootte en per 100 ml, uitgedruk in milligram of "mg", op een van die volgende wyses:
 - (i) In of direk onder die voedingswaarde tabel; of
 - (ii) aangrensend tot of onderkant die die boodskap "Hoë kaffeïen inhoud";
of
 - (iii) In die lys van bestandele, in hakies agter kaffeïen.

Inwerkingtreding

5. Hierdie regulasies tree in werking twaalf (12) maande na publikasie van die finale wysiging; op voorwaarde dat volgende die genoemde datum, vir wetsnakoming moniterings doeleinde, die datum van vervaarding van geformuleerde gekaffeïeneerde drankies beskou sal word as die datum waarop die volle nakoming van die bepalings van hierdie regulasies van toepassing sal wees.



**DR A MOTSOLEDI, LP
MINISTER VAN GESONDHEID**

DATUM: 19/3/2012
