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GOVERNMENT NOTICE
GOEWERMENTSKENNISGEWING

DEPARTMENT OF HEALTH
DEPARTEMENT VAN GESONDHEID

No. R. 733 **10 September 2012**

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

REGULATIONS RELATING TO THE USE OF SWEETENERS IN FOODSTUFFS

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

Definitions

1. In these regulations "**the Act**" shall mean 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 the context otherwise indicates -

"Good Manufacturing Practice" (GMP)" means that:

a) The quantity of the additive added to food shall be limited to the lowest possible level necessary to accomplish its desired effect;
b) The quantity of the additive that becomes a component of food as a result of its use in the manufacturing, processing or packaging of a food and which is not intended to accomplish any physical, or other technical effect in the food itself, is reduced to the extent reasonably possible; and,
c) The additive is of appropriate food grade quality and is prepared and handled in the same way as a food ingredient;

"maximum permitted level" means the maximum amount of a sweetener which may be present in the food as stipulated in the General Standard for Food Additives (GSFA) of the Codex Alimentarius Commission, unless otherwise stated, and which the amounts apply to ready-to-eat foodstuffs only;

"non-nutritive sweetener" means a sweetener or a mixture of non-nutritive sweeteners, of which the level of sweetening equals 5 g of sucrose and does not have an energy value of more than 8 kJ;

"Polyol" means an alcohol containing multiple hydroxyl groups;

"permitted sweeteners" means any substance listed as a sweetener in the General Standard for Food Additives (GSFA) of the Codex Alimentarius Commission, or a mixture of two or more thereof;

"sweetener" means any food additive which is used or intended to be used-

(a) To impart a sweet taste to foodstuffs; or
(b) To be added to a foodstuff as a table-top sweetener.

Requirements for the use of sweeteners in foodstuffs

2. For the purposes of section 2(1)a)(iii) of the Act, to the extent that it is applied and applicable to foodstuffs, a sweetener shall at all times conform with the applicable Specifications of Identity and Purity recommended by the Codex Alimentarius Commission or, in the absence of such specifications, with appropriate specifications developed by reputable national or international bodies. In terms of safety, food grade quality is achieved by conformance of sweeteners to their specifications as a whole (not merely with individual criteria) and through their production, storage, transport, and handling in accordance with GMP.

3. No person may sell a sweetener, or a foodstuff containing a sweetener as an ingredient, other than a sweetener referred to in the General Standard for Food Additives (GSFA) of the Codex Alimentarius Commission.

4. A list of permissible sweeteners referred to in regulation 3, is available from the Directorate: Food Control, or on the website of the Department of Health at: www.doh.gov.za.

5. No foodstuff containing a sweetener as an ingredient shall exceed the maximum level, taking accompanying notes into consideration, as specified in the General Standard for Food Additives (GSFA) of the Codex Alimentarius Commission, in such a foodstuff.

6. The food category descriptors within the Food Category System of the General Standard for Food Additives (GSFA) as stipulated for assigning food additive uses in these Regulations apply to all foodstuffs; provided that it should not be applied for the purposes of legal product designations, nor are they intended for labelling purposes.

7. Non-nutritive sweeteners may not be used in foods intended for infants and young children, including foods intended for infants and young children that are not in good health, unless stipulated otherwise.

Labelling requirements

8. Subject to the provisions of Section 3 of the Act and the Regulations Relating to the Labelling and Advertising of Foodstuffs published in Government Notice No.R.146 of 1 March 2010, as amended, the following shall be indicated on the label of a foodstuff regarding the presence of a sweetener:

a. In the case of a mixed, compounded or blended foodstuff-

   i. sweeteners shall be indicated by its common name in the list of ingredients, provided that in the case of a non-nutritive sweetener, the words "non-nutritive sweetener" shall appear in brackets immediately following the name of the sweetener; or the words “non-nutritive sweetener“ followed by a semi-colon and the name of the non-nutritive sweetener; and
   ii. in the case of the sweetener steviol glycosides, it shall be described as "Steviol Glycosides", or "Steviol Extract";

b. A foodstuff containing sugar alcohols or polyols, singly or in combination, in excess of 50g/kg of the final product shall be labelled with the expression “excessive consumption may have a laxative effect”; provided that for sugar-free chewing gum the statement is required if the sugar alcohol content of the product exceeds 250g/kg; and

c. A foodstuff containing aspartame and aspartame-acesulfame salt must bear:

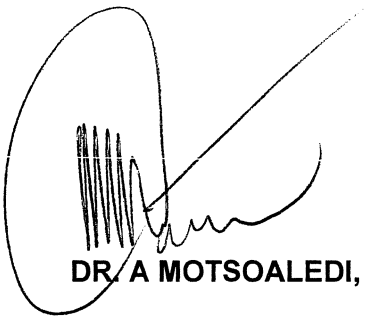
   i. the word “aspartame” or aspartame-acesulfame salt in the list of ingredients followed by an asterisk; and
   ii. an asterisk shall appear on a separate line directly below the list of ingredients followed by the words: “Contains phenylalanine” OR “Phenylketonurics: contains a source of phenylalanine”.

Repeal

8. The Regulations published under Government Notice No. R.3128 of 20 December 1991 as amended by Government Notice No. R.662 of 28 February 1992; Government Notice No. R.2064 of 2 December 1994; Government Notice No. R.1568 of 28 November 1997; and Government Notice No. R.125 of 8 February 2008, are hereby repealed.

Commencement

9. These regulations shall come into operation six (6) months after the date of publication and will apply to foodstuffs manufactured or prepared from such date.



DR. A MOTSOALEDI, MP

MINISTER OF HEALTH

No. R. 733 **10 September 2012**

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

REGULASIES BETREFFENDE DIE GEBRUIK VAN VERSOETERS IN VOEDINGSMIDDELS

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

Woordomskrywing

1. In hierdie regulasies het `n uitdrukking waaraan daar in **"die Wet'** `n betekenis geheg is, daardie betekenis, en tensy dit uit die samehang anders blyk, beteken -

"Goeie vervaardingingspraktyk" (GVP):

a) Die hoeveelheid van `n voedseladditief sal beperk word tot die laagste moontlike vlak wat nodig is om die gewenste effek te bereik.
b) Die hoeveelheid van `n voedseladditief wat `n komponent van die voedsel word as gevolg van die gebruik daarvan in die vervaardiging, prosessering of verpakking van `n voedsel, waarvan die bedoeling nie is om enige fisiese of tegnologiese funksie in die uiteindelike voedsel self te vervul nie, word beperk tot die laagste vlak wat prakties moontlik is; en,
c) Die additief moet van toepaslike voedselgraadkwaliteit wees en vervaardig en hanteer word op dieselfde wyse as `n voedselbestanddeel;

"maksimum toelaatbare vlak" die maksimum hoeveelheid waarteen `n versoeter teenwoordig mag wees, soos gestipuleer in die "General Standard for Food Additives" (GSFA) van die Codex Alimentarius Kommissie, tensy anders vermeld. Die vlakke verwys na gereed-om-te-eet produkte alleenlik;

"Pol-ol" beteken `n alkohol wat veevuldige hidroksielgroepe bevat;

"nievoedsame versoeter" beteken `n versoeter of `n mengsel van nievoedsame versoeters, waarvan die hoeveelheid met die versoetekwivalent van 5g sukrose nie `n energiewaarde van meer as 8 kJ het nie;

"veroorloofde versoeter" beteken enige van die stowwe gelys as versoeters in die "General Standard of Food Additives" (GSFA) van die Codex Alimentarius Kommissie, of `n mengsel van twee of meer daarvan;

"**versoeter"** beteken enige voedseladditief wat gebruik word of bedoel word om -

(a) `n Soet smaak aan `n voedingsmiddel te verleen, of

(b) By `n voedsel gevoeg te word as `n tafelversoeter.

Vereistes vir die gebruik van versoeters in voedingsmiddels

2. Vir die doeleindes van afdeling 2(1) (a) (iii) van die Wet, in soverre toegepas word en betrekking het op voedingsmiddels, moet `n versoeter te alle tye voldoen aan die toepaslike Spesifikasies vir Identiteit and Suiwerheid soos neergelê deur die Codex Alimentarius Kommissie, of in afwesigheid van sodanige spesifikasies, aan toepaslike spesifikasies soos neergelê deur gesaghebbende nasionale of internasionale liggame. Wat voedselveiligheid betref, moet die betrokke versoeter voldoen aan die algehele spesifikasie (nie slegs individuele kriteria nie) en moet dit tydens produksie, stoor, vervoer en hantering in oorleg met GVP wees om aan voedselgraad kwaliteit te voldoen.

3. Geen versoeter of `n voedsel wat `n versoeter of versoeters bevat, mag deur enige persoon te koop aangebied word, anders as `n versoeter of versoeters waarna in die "General Standard of Food Additives" (GSFA) van die Codex Alimentarius kommissie verwys word nie.

4. `n Lys van veroorloofde versoeters waarna in regulasie 3 verwys word, is beskikbaar van die Direktoraat: Voedselbeheer, of op die webwerf van die Departement van Gesondheid by: www.doh.gov.za

5. Geen voedingsmiddel wat `n versoeter as bestanddeel bevat mag die maksimumvlak, met die notas in ag geneem, soos gespesifiseer in die "General Standard of Food Additives" (GSFA) van die Codex Alimentarius kommissie, oorskry in sodanige voedingsmiddel nie.

6. Die voedselkategoriebeskrywings soos in die Voedselkategorie-sisteem van die "General Standard of Food Additives" (GSFA) gestipuleer om voedseladditief gebruik in hierdie Regulasies aan te dui, het betrekking op alle voedingsmiddels; met die voorbehoud dat dit nie gebruik moet word as wettige produk kategorie beskrywings nie, en dit is ook nie aangedui vir etiketteringsdoeleindes nie.

7. Nievoedsame versoeters en suiker alkohole mag nie gebruik word in voedingsmiddels vir babas en jong kinders nie, insluitende voedingsmiddels bedoel vir babas en jong kinders wat nie goeie gesondheid geniet nie, tensy anders vermeld.

Etiketteringsvereistes

8. Onderworpe aan afdeling 3 van die Wet sowel as die Regulasies met betrekking tot die Etikettering en Advertering van voedingsmiddels, No. R.146 van 1 Maart 2010, soos gewysig, moet die volgende inligting op die etiket van `n voedingsmiddel betreffende die aanwesigheid van `n versoeter aangedui word:

a. Waar `n vermengde of saamgestelde voedsel `n versoeter bevat -

   i. moet sodanige versoeter aangedui word deur die algemene naam in die bestanddelelys, met die voorbehoud dat `n nievoedsame versoeter aangedui word as nievoedsame versoeter in hakies onmiddelik na die naam van die "nievoedsame versoeter"; of die woorde "nievoedsame versoeter" gevolg deur `n dubbelpunt en daarna die naam van die nievoedsame versoeter.
   ii. in die geval van die versoeter "steviol glycosides" moet dit aangedui word as "Steviol Glycosides", of "Steviol Extract".

b. `n Voedingsmiddel wat suikeralkohole of poli-ole bevat, afsonderlik of in kombinasie, in hoeveelhede wat 50g/kg van die finale produk oorskry, moet geëtiketteer word met die uitdrukking: "oormatige verbruik kan `n lakserende effek hê"; met dien verstaande dat in die geval van suikervrye kougom die verklaring vereis word indien die suikeralkoholinhoud van die produk 250g/kg oorskry; en

c. Waar `n voedingsmiddel die versoeter aspartaam of aspartaam-acesulfaamsout bevat, moet -

i. na die woord "aspartaam"of "aspartaam-acesulfaamsout" in die bestanddelelys `n asterisk volg; en,

ii. `n asterisk moet op `n aparte reël direk onder die bestanddelelys verskyn gevolg deur die woorde: "Bevat fenielalanien" OF "Fenielketonurielyers: bevat `n bron van fenielalanien".

Herroeping

9. Die Regulasies gepubliseer onder Gowermentskennisgewing No. R.3128 van 20 Desember 1991 soos gewysig deur Gowermentskennisgewing No. R.662 van 28 Februarie 1992; Gowermentskennisgewing No. R.2064 van 2 Desember 1994; Gowermentskennisgewing No. R.1568 van 28 November 1997; en Gowermentskennisgewing No.R.125 van 8 Februarie 2008, word hierby herroep.

Inwerkingtreding

10. Hierdie regulasies tree op `n datum 6 maande na die datum van publikasie hiervan in werking en het betrekking op voedingsmiddels vervaardig of voorberei vanaf sodanige datum.

DR. A MOTSOALEDI, MP

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