

## GOVERNMENT NOTICES • GOEWERMENTSKENNISGEWINGS

### DEPARTMENT OF HEALTH

NO. 1425

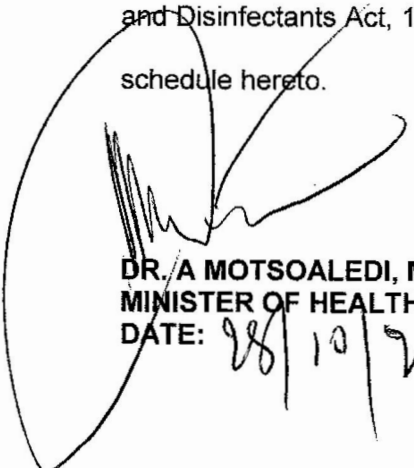
17 NOVEMBER 2016

#### FOODSTUFFS, COSMETICS AND DISINFECTANTS ACT, 1972

(ACT NO. 54 OF 1972)

#### REGULATIONS RELATING TO MISCELLANEOUS ADDITIVES 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 set out in the schedule hereto.



DR. A MOTSOALEDI, MP  
MINISTER OF HEALTH

DATE: 28/10/2016

## SCHEDULE

### Definitions

1. In these Regulations "Act" means the Foodstuffs, Cosmetics and Disinfectants Act, 1972 (Act No. 54 of 1972), and any word or expression to which a meaning has been assigned in the Act shall bear such meaning, unless the context otherwise indicates and:

**"food additive"** means any substance, regardless of its nutritive value, that is not normally consumed as a food by itself and not normally used as a typical ingredient of the food, which is added intentionally to a food for technological (including organoleptic) purposes in the manufacture, processing, preparation, treatment, packing, packaging, transport or storage of the food, and results, or may reasonably be expected to result directly or indirectly in such a substance, or its by-products, becoming a component of, or otherwise affecting the characteristics of such foods and excludes any substance added to foods for maintaining or improving nutritional qualities or any contaminants and sodium chloride;

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

- (a) the quantity of the miscellaneous additive added to foodstuff shall be limited to the lowest possible level necessary to accomplish its desired effect;
- (b) the quantity of the miscellaneous additive that becomes a component of foodstuff 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 foodstuff itself, is reduced to the extent reasonably possible; and

- (c) the miscellaneous additive is of appropriate food grade quality and is prepared and handled in the same way as a food ingredient;

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

**"miscellaneous additives"** means any food additive which is used or intended to be used primarily as an acidity regulator, anti-caking agent, antifoaming agent, bleaching agent, bulking agent, carbonating agent, carrier, colour retention agent, emulsifier, emulsifying salt, firming agent, flavour enhancer, flour treatment agent, foaming agent, gelling agent, glazing agent, humectants, packaging gas, propellant, raising agent, sequestrant, stabiliser and thickener.

#### **Requirements for use of miscellaneous additives in foodstuffs**

2. (1) For the purposes of section 2(1)(a)(i) of the Act, to the extent that it is applied and applicable to foodstuffs, a miscellaneous additive shall at all times conform with the applicable Specifications of Identity and Purity recommended by the Codex Alimentarius Commission 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 miscellaneous

additives to the specifications as a whole and through the production, storage, transport, and handling in accordance with GMP.

(2) A person may not sell a miscellaneous additive, or a foodstuff containing a miscellaneous additive as an ingredient, other than a miscellaneous additive referred to in the GSFA of the Codex Alimentarius Commission.

(3) A person may not import, manufacture or sell a foodstuff with levels that exceed the maximum level for miscellaneous additives, taking accompanying notes into consideration, as specified in the GSFA of the Codex Alimentarius Commission, in such a foodstuff.

(4) The food category descriptors within the food category system of the GSFA as stipulated for assigning food additive use 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.

(5) Miscellaneous additives may not be used in foodstuffs intended for infants and young children, including foodstuffs intended for infants and young children that are not in good health, unless stipulated otherwise in the relevant Regulations.

(6) The food additives in this Regulation shall include miscellaneous additives provided by the relevant Codex commodity standards.

## Repeal

3. These Regulations repeal the following Regulations on the day that these Regulations come into operation:

- (a) The Regulations Relating to Anti-caking Agents and the Amounts thereof that may be used in Foodstuffs published under Government Notice No. 2507 of 19 November 1982, as amended by the Government Notice No. R.2354 of 27 September 1991 and Government Notice No. R.3408 of 24 December 1992.
- (b) The Regulations Governing Acids, Bases and Salts and the Amounts thereof that Foodstuffs may contain published under Government Notice No. R. 115 of 24 January 1986, as amended by the Government Notice No. R. 1885 of 4 September 1987.
- (c) The Regulations Governing Emulsifiers, Stabilisers and Thickeners and the and the Amounts thereof the Foodstuffs may contain, Government Notice No. R.2527 of 13 November 1987, as amended by the Government Notice No. R. 2555 of 25 October 1991; Government Notice No. R 68 of 15 January 1993, Government Notice No. R 1137 of 1 July 1994 and Government Notice No. R.1145 of 04 August 1995.
- (d) The Regulations Governing the use of Certain Food Additives in Certain Wheaten and Rye Products, Government Notice No. R.2417 of 30 October 1987; as amended by the Government Notice No.R.1144 of 4 August 1995.
- (e) The Regulations Relating to Baking Powder and Chemical Leavening Substances, Government Notice No. R.2486 of 26 October 1990, as amended by the Government Notice No. R 123 of 25 January 1991.

- (f) The Regulations Relating to Jam, Conserve, Marmelade and Jelly, Government Notice No. R.2627 of 12 December 1986, as amended by the Government Notice No. R.2056 of 31 August 1990.
- (g) The Regulations Governing the Additives and Amounts as well as Tolerances, for Certain Substances in Wine, other Fermented Beverages and Spirits, Government No. 2870 of December 1981, as amended by the Government Notice No. R. 2171 of 28 September 1984.

#### **Commencement**

4. (1) These Regulations come into operation 12 months after the date of publication hereof.

(2) Subject the provisions of sub-regulation (1), foodstuffs manufactured on or before the date of commencement of this Regulations shall be exempted from the requirements of these regulations.