

No. R. 1051

28 October 2005

## AGRICULTURAL PRODUCT STANDARDS ACT, 1990 (ACT No. 119 OF 1990)

**REGULATIONS RELATING TO THE GRADING, PACKING AND MARKING OF JAM, JELLY AND MARMALADE INTENDED FOR SALE IN THE REPUBLIC OF SOUTH AFRICA: AMENDMENT**

The Minister of Agriculture has under section 15 of the Agricultural Product Standards Act, 1990 (Act No. 119 of 1990), amended the regulations published by Government Notice No. R. 1844 of 15 November 1996, to the extent set out in the Schedule.

**SCHEDULE****Definitions**

1. In this Schedule "the Regulations" means the regulations published by Government Notice No. R. 1844 of 15 November 1996.

**Amendment of regulation 3 of the Regulations**

2. Regulation 3 of the Regulations is hereby amended by —

(a) the addition of the following provision to paragraph (a) of subregulation (1):

"Provided that in the case of Blackcurrant extra fruit jam it shall contain at least 35 parts, by mass of whole fruit, pieces of fruit, fruit pulp or fruit purée as the case may be";

(b) the addition of the following provision to paragraph (b) of subregulation (1):

"Provided that in the case of blackcurrant jam it shall contain at least 25 parts by mass of whole fruit, pieces of fruits, fruit pulp or fruit purée as the case may be."; and

(c) the insertion of the following subregulation after subregulation (3):

"(4) If any health or comparative claim is made on a label of jam, jelly or marmalade the product shall comply with:

- (a) the fruit content of the specific type of jam, jelly or marmalade set out in subregulations (1), (2) and (3): Provided that soluble solids content shall not be prescribed;
- (b) the quality requirements set out in regulations 6, 7 and 8 respectively; and
- (c) the requirements for these types of products set out in the Foodstuffs, Cosmetics and Disinfectants Act, 1972 (Act No. 54 of 1972)".

**Amendment of regulation 5 of the Regulations**

3. Regulation 5 of the Regulations is hereby amended by the —

(a) deletion of subregulation (2); and

(b) substitution for paragraph (e) of subregulation (3) of the following paragraph:

"(e) any signs of crystallisation and granulation".

**Amendment of regulation 7 of the Regulations**

4. Regulation 7 of the Regulations is hereby amended by the —
- (a) deletion of subregulation (2); and
  - (b) substitution for paragraph (c) of subregulation (3) of the following paragraph:  
"(c) any signs of crystallisation and granulation."

**Amendment of regulation 9 of the Regulations**

5. Regulation 9 of the Regulations is hereby amended by the —
- (a) deletion of subregulation (2); and
  - (b) substitution for paragraph (e) of subregulation (3) of the following paragraph:  
"(e) any signs of crystallisation and granulation".

**Amendment of regulations 13 of the Regulations**

6. Regulation 13 of the Regulations is hereby substituted for the following regulation:
- "13. (1) Each container containing jam, jelly or marmalade shall be clearly and legibly marked or labelled with the following particulars:
- (a) A code mark which has been approved, in writing, by the Executive Officer and which shall consist of the product concerned, the date of manufacture and the name of the processing establishment thereof: Provided that —
    - (i) the processing establishment identification code shall be indicated in the last position in the sequence; and
    - (ii) in the case of transparent containers where the contents are clearly visible, the product code need not be indicated.
  - (b) The name or trade mark of the manufacturer or packer.
  - (c) The physical address of the manufacturer or packer.
  - (d) The expression "Product of" or "Produced in" or "Manufactured in" followed by the name of the country of origin: Provided that no abbreviations shall be used.
  - (e) A true description of the contents thereof which shall include the type of jam, jelly or marmalade: Provided that —
    - (i) if any permissible visible ingredient has purposefully been added to the product, an indication thereof shall be marked in close proximity to the product designation;
    - (ii) the expression "preserve" may be used instead of the expression "extra fruit jam" or "jam";
    - (iii) in the case of fruit mixtures of jam, jelly or marmalade the names of the types of fruit used in the product shall be declared in the ingredients list in descending order of mass;
    - (iv) if a flavourant permitted under the Foodstuffs, Cosmetics and Disinfectants Act, 1972 (Act No. 54 of 1972) has been added to the product in order to render a distinctive flavour thereto, and

the added flavourant differs totally from the original flavour of the ingredients of the product, the name of the product shall either be preceded by the words "'x' flavoured" or followed by the words "with 'x' flavour", where 'x' denotes the descriptive name for the distinctive flavour: Provided that in the case of apple jelly that is coloured and flavoured, the product name shall indicate the distinctive taste of the final product; and

- (v) in the case of jam where pips or seeds have purposefully been added to the product to render flavour thereto, an indication of the presence of pips or seeds shall be marked in close proximity, to the product designation.
  - (f) An indication of the grade thereof: Provided that the expression "Caterers Grade" may be used instead of the expression "Manufacturers Grade."
  - (g) The net mass of the contents as required in terms of the Trade Metrology Act, 1973 (Act No. 77 of 1973).
- (2) Subject to the provisions of subregulation (1), each container containing jam, jelly or marmalade may be marked with the following optional particulars:
- (a) The words "Contains 'x' g of fruit per 100 g" where 'x' denotes the quantity of fruit, fruit pulp, fruit purée, fruit juice, fruit peel and aqueous extract of fruit used for every hundred grams of the finished product.
  - (b) The words "Total sugar content": 'y' per 100 g" where 'y' denotes the degrees Brix determined by a refractometer at 20°C for the finished product, subject to a tolerance of 2 degrees Brix".
- (3) The requirements set out in subregulations (1) and (2) shall be printed in English or both in English and any of the other official languages: Provided that a supplementary label containing the information set out in subregulations (1) and (2) may be used instead of re-labelling.
- (4) The label of a container containing jam, jelly or marmalade shall —
- (a) be clean and neat;
  - (b) be pasted securely;
  - (c) not be pasted over other labels; and
  - (d) be affixed to such container only by or on behalf of the manufacturer or packer".

***Amendment of regulation 14 of the Regulations***

- 7. (a) Regulation 14 of the Regulations is hereby amended by the deletion of subregulation (1) and (2).
- (b) Regulation 14 of the Regulations is hereby amended by substituting subregulation (3) with the following paragraph:

"The product designation may be marked in altered word sequence on the main panel of a container: Provided that the altered word sequence does not constitute a misrepresentation or does not directly or by implication create a misleading impression regarding the quality, nature, origin or composition of the product."

**Deletion of regulation 15 of the Regulations**

8. Regulation 15 of the Regulations is hereby deleted.

**Deletion of regulation 16 of the Regulations**

9. Regulation 16 of the Regulations is hereby deleted.

**Deletion of regulation 17 of the Regulations**

10. Regulation 17 of the Regulations is hereby deleted.

**Deletion of regulation 18 of the Regulations**

11. Regulation 18 of the Regulations is hereby deleted.

**Deletion of regulation 19 of the Regulations**

12. Regulation 19 of the Regulations is hereby deleted.

**Deletion of regulation 23 of the Regulations**

13. Regulation 23 of the Regulations is hereby deleted.

**Amendment of regulation 24 of the Regulations**

14. Regulation 24 of the Regulations is hereby substituted for the following regulation:

"24. (1) The percentage of soluble solids in jam, jelly or marmalade shall be determined by means of a refractometer corrected to 20°C.

(2) The percentage of soluble solids in jam, jelly or marmalade shall not differ by more than 3° Brix from the prescribed soluble solid contents: Provided that the average reading of the random sample still meets the minimum requirements".

**Amendment of regulation 26 of the Regulations**

15. Regulation 26 of the Regulations is hereby substituted for the following regulation:  
 "26. Any person who contravenes or fails to comply with the provisions of these regulations shall be guilty of an offence and upon conviction be liable to a fine or to imprisonment in accordance with section 11 of the Act".

**Amendment of Table 1 of the Regulations**

16. Table 1 of the Regulations is hereby substituted for the following table:

**"CONSISTENCY OF THE PRODUCT CONCERNED/KONSISTENSIE VAN DIE BETROKKE PRODUK  
 [Reg. 5, 7 and/en 9]**

Quality factor/ Gehaltesfaktor	Choice Grade/ Keurgraad	Standard Grade/ Standaard graad	Manufacturers' Grade/Vervaar- digersgraad	Substandard Grade/Sub- standaard- graad	Undergrade/ Ondergraad
Minimum consistency in the case of all types of:/Minimum konsis- tensie in die geval van alle tipes:					
(i) Jam/Konfynt	1 - 5	1 - 5	1 - 5	*	*

Quality factor/ Gehaltekfaktor	Choice Grade/ Keurgraad	Standard Grade/ Standaard graad	Manufacturers' Grade/Vervaar- digersgraad	Substandard Grade/Sub- standaard- graad	Undergrade/ Ondergraad
(ii) Jelly/Jellie	3 - 5	2 - 5	1 - 5	*	*
(iii) Marmalade/ Marmelade	3 - 5	2 - 5	1 - 5	*	*

Note:/Nota:

\* "Denotes no specifications/Dui aan geen spesifikasie".

**Deletion of Table 3 of the Regulations**

17. Table 3 of the Regulations is hereby deleted.

**Amendment of Table 4 of the Regulations**

18. Table 4 of the Regulations is hereby substituted for the following table:

**"SAMPLING/MONSTERNEMING  
[Reg. 22]**

1. Net mass is equal to or less than 1 kg./Netto massa is gelyk aan of minder as 1 kg.		
Production group (in units)/ Produksiegroep (in eenhede)	Sample size/ Monstergrootte	Acceptance number/ Aanvaardingsgetal
1	2	3
4 800 or less/of minder	6	1
4 801 - 24 000	13	2
24 001 - 48 000	21	3
48 001 - 84 000	29	4
84 001 - 144 000	48	6
144 001 - 240 000	84	9
more than/meer as 240 000	126	13
Production group (in units)/ Produksiegroep (in eenhede)	Sample size/ Monstergrootte	Acceptance number/ Aanvaardingsgetal
1	2	3
2. Net mass is greater than 1 kg but not more than 4,5 kg./Netto massa is meer as 1 kg maar minder as 4,5 kg.		
2 400 or less/of minder	6	1
2 401 - 15 000	13	2
15 001 - 24 000	21	3
24 001 - 42 000	29	4
42 001 - 72 000	48	6
72 001 - 120 000	84	9
more than/meer as 120 000	126	13
3. Net mass greater than 4,5 kg./Netto massa meer as 4,5 kg.		
600 or less/of minder	6	1
601 - 2 000	13	2
2 001 - 7 200	21	3
7 201 - 15 000	29	4
15 001 - 24 000	48	6
24 001 - 42 000	84	9
more than/meer as 42 000	126	13