



agriculture, forestry & fisheries

Department:
Agriculture, Forestry and Fisheries
REPUBLIC OF SOUTH AFRICA

Directorate Food Safety and Quality Assurance, Private Bag X343, PRETORIA, 0001

TO: All Processors, Packers, Importers and Retailers of frozen fruits and vegetables
Directorate: Inspection Services

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Subject

DISPENSATION: USE OF THE PHRASE 'IN VARIABLE PROPORTIONS ACCORDING TO SEASON' ON THE MAIN PANEL OF FROZEN VEGETABLE MIXES

1. Background

Regulation 35(2) of the frozen fruits and vegetables Regulation No.R.727 of 29 May 1998 currently stipulate that each container containing frozen vegetable mixes shall be marked on the main panel with an indication of the different vegetables in descending order.

The indicating of the claim "in variable proportions", "in varying proportions", etc. on the main panel of certain frozen vegetable mixes has been common practice for a number of years. It is well known that the proportions of certain vegetable ingredients may vary from time-to-time due to, among others, seasonal availability.

Although regulation R.146 dated 01/03/2010 (labelling and advertising of foodstuffs) of the Department of Health (DoH) already addresses this type of scenario in regulation 20, the frozen fruit and frozen vegetables regulations have not kept up with these changes and current practice. When enforcing regulation 35(2) of R.727 dated 29/05/1998 this poses a challenge when having to declare the vegetables in descending order of appearance on the main panel.

The existing regulation 35(2) of R.727 is thus too restrictive and therefore the Department has decided to issue the following dispensation which will accommodate the fact that the proportions of certain ingredients may vary according to seasonal availability.

2. Dispensation

Permission is hereby granted by the Executive Officer: Agricultural Product Standards in terms of section 3(1)(c) of the Agricultural Product Standards Act, 1990 (Act No. 119 of 1990), to all processors, packers, importers and retailers of frozen vegetables to implement the following additional marking requirements in the case of frozen vegetable mixes regulated under regulation R.727 of 29 May 1998:

"35(2) Subject to the provisions of regulation 8, each container containing frozen vegetable mixes shall be marked on the main panel with an indication of the different vegetables in descending order: Provided that –

- (a) if the proportions of all or some the vegetable ingredients vary from time-to-time due to, among others seasonal availability, the list of vegetables declared shall be followed in the same letter size by the words 'in variable proportions', 'in varying proportions', or any other wording having a similar meaning."*

This permission is subject to the following conditions:

- (a) All other conditions of the relevant regulations shall be complied with.
- (b) It may be withdrawn at any time should a valid complaint be received.

- (c) The use of claims such as 'in variable proportions' on the main panel shall only be allowed if this is also reflected in the ingredients list as required by the regulations of the Department of Health.
- (d) All processors, packers, importers, and retailers of frozen fruits and vegetables indemnify this Directorate and this Department from any detrimental effect, financially or otherwise, which may emanate as a result of this permission.
- (e) Termination date: When the amendment to the relevant local regulations are published in the Government Gazette.



EXECUTIVE OFFICER:
AGRICULTURAL PRODUCT STANDARDS ACT, 1990 (ACT 119 OF 1990)