



# agriculture, forestry & fisheries

Department:  
Agriculture, Forestry and Fisheries  
REPUBLIC OF SOUTH AFRICA

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

## FAX COVER SHEET

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Subject

### DISPENSATION: PERMISSION TO USE COMPARATIVE CLAIMS ON CONTAINERS CONTAINING FRUIT NECTAR AND FRUIT DRINK PRODUCTS

#### 1. Background

The new labelling and advertising of foodstuffs regulations (R.146 of 1 March 2010) published by the Department of Health came into operation on 1 March 2012. Clause 53.(2) in this regulation states the following:

##### *“Comparative claims*

*53. (2) Comparative claims shall not be allowed for foodstuffs for which compositional standards exist under the Agricultural Products Standards Act, 1990 (Act No.119 of 1990) and the National Regulator for Compulsory Specifications Act, 2008 (Act NO.5 of 2008), **unless** specific provision is made in these standards to accommodate comparative claims.”*

In view of the above the use of the words “light”, “lite”, “reduced”, etc. are not permissible on the classes Fruit Nectar, Fruit Squash, Fruit Drink and Fruit Flavoured Drink products (and blends thereof) since no provision is currently made in the fruit juice and drink regulations (R.286 of 7/11/1980) for the use of such claims.

The following dispensation is therefore issued to provide for the use of such claims by manufacturers and packers under the conditions specified:

#### 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 the fruit juice and drink industry to make use of comparative claims such as “reduced”, “less than”, “fewer”, “light”, “lite”, or words having a similar meaning, only on containers containing the classes Fruit Nectar, Fruit Nectar Blend, Fruit Squash, Fruit Squash Blend, Fruit Drink, Fruit Drink Blend and Fruit Flavoured Drink as well as in advertisements thereof: Provided that the following conditions are complied with:

- (a) the class of product (e.g. light orange nectar) shall be compared with a different version of the same class (e.g. orange nectar);
- (b) a statement shall be given of the amount of difference in the energy value, expressed as a percentage;
- (c) the comparison shall be based on a relative difference of at least 25% in the energy value of an equivalent mass or volume;

- (d) each container is labelled with the prescribed nutritional information declaration required in terms of the regulations published under the Foodstuffs, Cosmetics and Disinfectants Act, 1972 (Act No. 54 of 1972); and
- (e) the words "extra" or "xtra" may only be used as part of a comparison only when such a comparison is based on a relative difference of at least 50% in the energy value of an equivalent mass or volume.

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 fruit juice and drink industry indemnify this Directorate and this Department from any detrimental effect, financially or otherwise, which may emanate as a result of this permission.
- (d) Termination date: When the amendment of the relevant regulations is published in the Government Gazette.



**EXECUTIVE OFFICER:**

**AGRICULTURAL PRODUCT STANDARDS ACT, 1990 (ACT 119 OF 1990)**