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CONTENTS • INHOUD

GOVERNMENT NOTICE
GOEWERMENTSKENNISGEWING

DEPARTMENT OF HEALTH
DEPARTEMENT VAN GESONDHEID

No. R. 880 **21 October 2011**

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

REGULATIONS RELATING TO THE USE OF SWEETENERS IN FOODSTUFFS AND RELATED MATTERS: DRAFT REGULATION

The Minister of Health intends, in terms of section 15 (1) of the Foodstuffs, Cosmetics and Disinfectants Act, 1972 (Act No. 54 of 1972) to make the regulations in the Schedule.

Interested persons are invited to submit any substantiated comments or representations on the proposed draft amendments to the regulations, to the Director – General of Health, Private Bag X828, Pretoria, 0001 (for the attention of the Director: Food Control), within three months of the date of publication of this notice.

SCHEDULE

Definitions

1. In these regulations **"the Act"** shall means 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 Purposes (GMP)" means limited to such a maximum level that the product concerned will not be deleteriously affected or its compliance with legal requirements disturbed, it should be technologically efficacious and should be used at the lowest level necessary to achieve this effect, it should not conceal food

of inferior quality or adulterated food, and it should not create a nutritional imbalance;

"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. The doses specified refer to ready-to-eat foodstuffs only;

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

"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, which are added to the foodstuff before it is sold or which are used at the table;

"sugars" means substances such as corn syrup, deionised, deflavoured fruit concentrates and juices, dextrose, dextrose syrup, , glucose, glucose syrup, invert sugar, lactose, maltose, maltose syrup, sucrose, sucrose syrup, trehalose, xylose and isomaltulose.

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 comply with the standards of composition, strength and quality prescribed by these regulations and the World Health Organization's (WHO) Joint Expert Committee on Food Additives (JECFA).

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 of Food Additives (GSFA) of the Codex Alimentarius Commission.

4. No foodstuff containing a sweetener as an ingredient shall exceed the maximum level as specified in the General Standard of Food Additives (GSFA) of the Codex Alimentarius Commission, in such a foodstuff.

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

6. Subject to regulation (3), the following shall apply regarding sweeteners, or a mixture thereof, when present in a foodstuff –

   (a) In the case of the combined use of aspartame-acesulfame salt with individual acesulfame potassium or aspartame, not exceed the individual maximum levels for acesulfame potassium or aspartame in ready-to-eat foodstuffs. The reported maximum level can be converted to aspartame equivalents by dividing by 0.68. The reported maximum level can be converted to acesulfame potassium equivalents by multiplying by 0.68.

   (b) The sum of the fractions of a mixture of sweeteners referred to in sub-regulation (a), which is obtained when the amount of each such sweetener used is divided by the maximum permitted amount of such sweetener when used alone, shall not exceed unity.

7. Sweeteners may not be used in foods intended for infants and young children, including foods intended for infants and young children who are not in good health, unless otherwise stipulated in specific provisions.

8. Sweeteners used should be of appropriate food grade quality and should at all times conform to the applicable Specifications of Identity and Purity recommended by the Codex Alimentarius Commission. In terms of safety, food grade quality shall be achieved by conformance of additives to their specifications as a whole (not merely with individual criteria) and through their production, storage, transport, and handling in accordance with GMP.

Labelling

9. (a) Subject to section 3 of the Act and the Regulations Relating to Labelling and Advertising of Foodstuffs published in Government Notice No. R.146 of 1 March 2010, as amended, a foodstuff referred to in these regulations shall conform to the requirements set out in the regulations.

(b) The label of a sweetener or a mixture of sweeteners intended for table use shall not contain the phrases "low energy"; "low joule"; "non-nutritive" or "artificial", or words of a similar meaning, unless the energy value of a quantity of the sweetener which has the sweetening equivalent of 5g of sucrose is not more than 8kJ. The energy value shall be indicated on the label.

(c) Where a mixed, compounded or blended foodstuff contains a sweetener –

(i) such sweetener 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; and

(ii) in the case of the sweetener is steviol glycosides, it shall be described as "steviol",

(d) A foodstuff that normally contains added sweeteners may be described as "unsweetened" on the label thereof if no sweeteners are added to the foodstuff and a foodstuff that normally contains no added sweeteners shall be described as "unsweetened" on the label thereof if no sweeteners are added to the foodstuff.

(e) A foodstuff containing sugar alcohols or polyols (eg. Isomalt, Lactitol, Maltitol, Erythritol, Mannitol, Sorbitol, Sorbitol syrup or Xylitol) and/or aspartame, singly or in combination in the final product, must bear the following warnings:

(i) polyols: "over-consumption may have laxative effects";

(ii) aspartame and aspartame-acesulfame salt: "contains phenylalanine";

(f) A foodstuff that usually contains sugar may be described as "sugar free" or with the words "contains no sugar" on the label thereof if no sugars are present. A foodstuff that normally contains no sugars shall not be described as "sugar free" or with the words "contains no sugar" or other words with a similar meaning on the label thereof, notwithstanding that no sugars are present.

(g) The claim "no sugar added" or "no added sugar" or other words with a similar meaning shall not be made on the label of a foodstuff that contains added sugars as defined by these regulations.

Repeal

10. 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

These regulations shall come into operation on the date of the publication of the final regulations.

DR. A MOTSOALEDI, MP
MINISTER OF HEALTH