
GOVERNMENT NOTICES • GOEWERMENTSKENNISGEWINGS

DEPARTMENT OF HEALTH

NO. 1165

23 NOVEMBER 2015

DEPARTMENT OF HEALTH**FOODSTUFFS, COSMETICS AND DISINFECTANTS ACT, 1972****(ACT 54 OF 1972)****DRAFT REGULATIONS RELATING TO MISCELLANEOUS ADDITIVES IN
FOODSTUFFS**

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 regulations in the Schedule.

Interested persons are invited to submit any substantiated comments or representations on the proposed draft 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 mean 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 Practice**" (GMP)" means that:

- 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 permitted 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;

"**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, thickener, but does not include any processing aid; and

"**processing aid**" means any substance consumed as a food ingredient by itself, intentionally used in the processing of raw materials, foods or its ingredients, to fulfill a certain technological purpose during treatment or processing and which may result in the non-intentional but unavoidable presence of residues or derivatives in the final product, but does not perform technological effect in the final product.

Requirements for the 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 or, 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 their specifications as a whole (not merely with individual criteria) and through their production, storage, transport, and handling in accordance with GMP.

(2) No person may sell a miscellaneous additive, or a foodstuff containing a miscellaneous additive as an ingredient, other than a miscellaneous additive referred to in the General Standard for Food Additives (GSFA) of the Codex Alimentarius Commission.

(3) No foodstuff containing a miscellaneous additive as an ingredient shall exceed the maximum level, taking accompanying notes into consideration, as specified in the General Standard for Food Additives (GSFA) of the Codex Alimentarius Commission, in such a foodstuff.

(4) The food category descriptors within the Food Category System of the General Standard for Food Additives (GSFA) as stipulated for assigning food additive uses 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 regulation.

Repeal

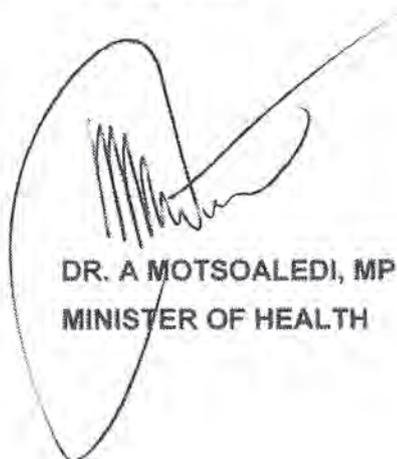
3. These regulations repeal the following regulations on the day that these regulations come into operation:

- (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, Government Notice No. R. 2354 of 27 September 1992 and Government Notice No. R.3408 of 24 December 1992.
- (b) The Regulations Governing Acids, Bases and Salts and the Amounts thereof the Foodstuffs may contain published under Government Notice No. R. 115 of 24 January 1986, 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. 2507 of 19 November 1982; Government Notice No. R. 2354 of 27 September 1991; and Government Notice No. R. 3408 of 24 December 1992.
- (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; and 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.
- (f) The Regulations Relating to Jam, Conserve, Marmelade and Jelly, Government Notice No. R. 2627 of 12 December 1986. Government Notice No. R. 2056 of 31 August 1990.

Commencement

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



DR. A MOTSOLEDI, MP
MINISTER OF HEALTH