

GOVERNMENT NOTICES • GOEWERMENTSKENNISGEWINGS

DEPARTMENT OF AGRICULTURE, FORESTRY AND FISHERIES

NO. R. 440

15 APRIL 2016

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

REGULATIONS REGARDING THE GRADING, PACKING AND MARKING OF EGGS DESTINED FOR SALE IN THE REPUBLIC OF SOUTH AFRICA: AMENDMENT

The Minister of Agriculture, Forestry and Fisheries, acting under section 15 of the Agricultural Product Standards Act, 1990 (Act No. 119 of 1990), made the regulations in the Schedule.

SCHEDULE**Definition**

1. In this Schedule "**the Regulations**" means the regulations published by Government Notice No. R. 725 of 16 September 2011.

Amendment of regulation 1 of the Regulations

2. Regulation 1 of the Regulations is hereby amended by --

- (a) the insertion, after the definition of "bubbly air cell", of the following definition:

"**cage eggs**" means eggs which are produced by poultry that are kept in cages throughout their laying period;"; and

- (b) the insertion, after the definition of "mould", of the following definition:

"**organic**" means eggs which are produced and handled in compliance with organic standards and certified by an accredited certification body or authority;".

Amendment of regulation 9 of the Regulations

3. Regulation 9 of the Regulations is hereby amended by the --

- (a) substitution for paragraph (1) (b) of the following paragraph:

"(b) The expression "eggs" or "eiers" shall appear on the front or top panel: Provided that only the following information may precede or follow the expression "eggs" or "eiers" in letters of the same size, font and colour:

- (i) The specific production methods, namely "cage" or "hok", "barn" or "skuur", "free range" or "vryloop", or "organic" or "organiese": Provided further that the production method indicated shall at least comply with the applicable requirements in regulation 11 (2), or in the case of "organic" with the definition in regulation 1.

- (ii) The particulars referred to in paragraphs (a), (c), (d) and (f).

- (iii) Registered trademarks which include any reference related to a particular feed ingredient such as but not limited to "grain fed", "canola", etc. and which has been registered for use on eggs and/or allowed for on eggs prior to the date of publication of this amendment: Provided that such registered trademarks shall also comply with the requirements stipulated in paragraph (h).
 - (iv) Registered trademarks or brand names which include the name of a farm, name/surname of the owner/packer/producer, the name of the registered company or closed corporation, or any other names which does not make any health or nutrition claims and which has been registered for use on eggs and/or allowed for on eggs prior to the date of publication of this amendment."
- (b) substitution for paragraph (1) (h) of the following paragraph:
- "(h) (i) Other descriptions, statements, expressions, markings or claims which implies a message of eggs being healthy or healthier, additive-free, or energy and/or nutritionally enhanced or improved by any method, including agricultural practices, shall comply with the requirements of the regulations published under the Foodstuffs, Cosmetics and Disinfectants Act, 1972 (Act No. 54 of 1972).
 - (ii) The producer, packer or retailer shall upon request provide the Executive Officer with the necessary scientific based evidence justifying the use of these claims."

Amendment of regulation 11 of the Regulations

4. Regulation 11 of the Regulations is hereby amended by the –

- (a) substitution of paragraph (1) (a) of the following paragraph:
- "(a) No registered trademark, brand name, mark or other method of expression using the following wording shall be indicated on a container or outer container containing eggs:
 - (i) "Super", "extra" and "ekstra", except when used as an indication of the size designation of the eggs;
 - (ii) A message of veterinary medicine-free or which indicates the more humane treatment or rearing of poultry or which creates an impression that the eggs are safer or that poultry was fed a special diet such as, but not limited to, "antibiotic free", "fed a diet free of hormones", "cage free", "furnished cage", "safe", "pure", "grass fed", "pasture fed", "forage fed", "canola fed", "grain fed", "mixed grain", etc.; and
 - (iii) Any other wording not addressed in sub-paragraphs (i) and (ii) above that constitutes a misrepresentation or either directly or by implication creates or may create a misleading impression regarding the contents, quality, origin, grade, size group, production method or diet;"
- (b) deletion of the word "and" at the end of paragraph (1) (c);

- (c) substitution of paragraph (1) (d) of the following paragraph:
 - “(d) No illustration, depiction, logo or other method of visual expression that constitutes a misrepresentation or either directly or by implication creates or may create a misleading impression regarding the contents, quality, origin, grade, size group, production method or diet shall be indicated on a container or outer container containing eggs; and”;
- (d) insertion of the following paragraphs after paragraph (1) (d):
 - “(e) Only production methods addressed and defined in these regulations shall be permitted on any container or outer container containing eggs.”.
- (e) insertion of the following paragraph after paragraph (2) (b):
 - “(c) Eggs shall only be marked with the expression “cage eggs” or “hok eiers” if such eggs were obtained from poultry that are kept in cages throughout their laying period: Provided that --
 - (i) cages shall be within a shed and may include a nest box, a perch and a dust bath; and
 - (ii) birds have enough space to feed and lay.”; and
- (f) renumbering of paragraph (2) (c) to “(d)”.

Amendment of regulation 19 of the Regulations

5. Regulation 19 of the Regulations is hereby amended by the substitution of paragraph (c) of the following paragraph:

- “(c) The minimum production method requirements prescribed in these regulations for “cage eggs”, “free range” and “barn eggs” shall only be applicable until the regulations for management control systems addressing these production methods have been promulgated.”.

COMMENCEMENT

6. These amendments shall come into operation 12 months after the date of publication.