

REGLEMENTATION

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AFRIQUE DU SUD

GOVERNMENT NOTICES

DEPARTMENT OF AGRICULTURE

No. R. 1393 15 September 1995

AGRICULTURAL PRODUCT STANDARDS ACT, 1990 (ACT N° 119 OF 1990)

REGULATIONS REGARDING CONTROL OVER THE SALE OF VINEGAR IN THE REPUBLIC OF SOUTH AFRICA

The Minister of Agriculture has in terms of section 15 of the Agricultural Product Standards Act, 1990 (Act No. 119 of 1990)

- (a) made the regulations in the Schedule
- (b) determined that the said regulations will come into regulation on date of publication; and
- (c) read together with section 3 (2) of the said Act, repeated the regulations published by Proclamation No. R. 129 of 1981 and Government Notices Nos. R. 1433 of 10 July 1981 and R. 804 of 23 April 1982 with effect from the date of commencement.

SCHEDULE

Definitions

1. Any word or expression in these regulations to which a meaning has been assigned in the Act shall have that meaning, and unless the context otherwise indicates-

"**acetic acid**" means the chemical compound known as hydrogen acetate or anhydrous acetic acid and requiring for complete neutralization of 100 parts per mass. 66.61 parts per mass of pure sodium hydroxide;

"**alcohol**" means ethyl alcohol or ethanol;

"**foreign matter**" means any material which is not normally present in vinegar;

"**fortified wine**" means wine to which a spirit derived from the fermented juice of the product of the vine has been added to such an extent that the alcohol content thereof is at least 16.5 per cent but does not exceed 22.0 per cent;

"**grape**" means fruit of the plant *Vitis*;

"**vinegar**" means the product made solely by alcoholic fermentation and subsequent acetous bacterial oxidation of any juice, infusion or decoction of plant origin, but excluding a liquor product as defined in the Liquor Products Act, 1989 (Act No. 60 of 1989); and

"**wine**" means a liquor product which complies with the requirements prescribed in section 5 of the Liquor Products Act, 1989 (Act No. 60 of 1989).

Restriction on the sale of vinegar

2. (1) No person shall, subject to the provisions of subregulation (2), sell vinegar in the Republic unless, for the purposes of-

(a) sale in the retail trade-

(i) it is sold according to the classes referred to in regulation 3;

(ii) it complies with the standards referred to in regulation 4;

(iii) the containers in which it has been packed comply with the requirements referred to in regulation 5; and

(iv) it is marked in the manner and with the particulars referred to in regulation 6; or

(b) delivery by a manufacturer to a packer-

(i) it is sold according to the classes referred to in regulation 3; and

(ii) it complies with the standards referred to in regulation 4.

(2) The Executive Officer may grant written exemption, entirely or partially, to any person on such conditions as he deems necessary, from the provision of subregulation (1).

Classes of vinegar

3. Vinegar shall be classified according to the following classes:

(a) Grape vinegar.

(b) Wine vinegar.

(c) Spirit Vinegar.

(d) Glucose vinegar.

(e) Cider or Apple vinegar

(f) Malt vinegar.

(g) Unspecified vinegar.

(h) Blended vinegar.

(i) Flavoured Vinegar.

(j) Imitation vinegar.

Standards for classes

4. (1) All classes of vinegar shall-

(a) contain not less than 5% (v/v) and not more than 12% (v/v) acetic acid in the ready to use form;

(b) not contain any mineral acid and may contain only traces of other organic acids;

(c) be clear: Provided that flavoured vinegar may be somewhat turbid;

(d) have a characteristic flavour and colour on the class of vinegar concerned; and

(e) contain only foodstuffs and food additives to the extent permitted under the Foodstuffs, Cosmetics and Disinfectants Act, 1972 (Act No. 54 of 1972).

(2) Grape vinegar shall consist of vinegar which is solely made by-

(a) alcoholic fermentation and subsequent acetous bacterial oxidation of the juice of grapes or dried grapes; or

(b) acetous bacterial oxidation of diluted distilled alcohol obtained of the juice of grapes or dried grapes; or

(c) acetous bacterial oxidation of fortified wine.

(3) Wine vinegar shall consist of vinegar which is solely made by acetous bacterial oxidation of wine other than fortified wine.

(4) Spirit vinegar shall consist of vinegar which is solely made by-

- (a) alcoholic fermentation and subsequent acetous bacterial oxidation of the juice of cane sugar or molasses; or
- (b) acetous bacterial oxidation of diluted distilled alcohol obtained from the juice of cane sugar or molasses.

(5) Glucose vinegar shall consist of vinegar which is solely made of alcoholic fermentation and subsequent acetous bacterial oxidation of starch, glucose or glucose syrup.

(6) Cider vinegar or apple vinegar shall consist of vinegar which is solely made by alcoholic fermentation and subsequent acetous bacterial oxidation of the juice of apples.

(7) Malt vinegar shall consist of vinegar which is solely made by alcoholic fermentation and subsequent acetous bacterial oxidation of an infusion solely of whole cereal grain. The starch of which has been converted into fermentable sugar by the direct action of malt.

(8) Unspecified vinegar shall consist of vinegar which is solely made by alcoholic fermentation and subsequent acetous bacterial oxidation of any vegetable juice, infusion or decoction not mentioned in subregulations (2) to (7).

(9) Blended vinegar shall consist of vinegar which is solely made by the blending of two or more of the classes of vinegar mentioned in subregulations (2) to (8), or by the blending of the respective raw materials of such classes prior to alcoholic fermentation and/or subsequent acetous bacterial oxidation: Provided that any class of vinegar used in the blend shall constitute at least 25% (v/v) at equivalent alcoholic strength of the total contents of the blend.

(10) Flavoured vinegar shall consist of any of the classes of vinegar mentioned in subregulations (2) to (9), to which aromatic plant extracts or plant parts, including spices (but specifically excluding natural fruit flavours) have been added or which, by leaching of aromatic plant material in the vinegar, has absorbed their flavour characteristics.

(11) Imitation vinegar means a product other than vinegar which in general appearance, presentation and intended use corresponds to vinegar but which does not comply with the specifications of any of the classes of vinegar mentioned in subregulations (2) to (10).

REQUIREMENTS FOR CONTAINERS

General

5. A container in which vinegar is packed shall-

- (a) be manufactured from a material that-
 - (i) is suitable for this purpose;
 - (ii) will protect the contents thereof from contamination; and
 - (iii) will not impart any undesirable flavour to the contents thereof;
- (b) be so strong that it will not be damaged or deformed during normal storage, handling and transport practices;
- (c) be intact and clean; and
- (d) be closed properly in a manner permitted by the nature thereof.

Making of containers

6. (1) Each container in which vinegar is packed, shall be marked with the following particulars;

(a) The class designation for the vinegar concerned as specified in regulation 3: Provided that-
(i) in the case of blended vinegar, the class designation may be indicated as "Vinegar Blend";
(ii) in the case of unspecified vinegar, the word "Unspecified" may be substituted with an accurate descriptive name which identifies the origin; and
(iii) in the case of flavoured vinegar, the class designation shall be preceded by a descriptive name which identifies the flavour.

(b) in the case of blended vinegar, the names of the various classes of vinegar shall, subject to the provisions of regulation 4 (9), be indicated in descending order of quantity of percentage (v/v) of each kind used.

(c) in the case of vinegar which requires dilution with water before use, with directions for such dilution in the format of "Dilute 1 to x with water" where x represents the quantity of water needed in the dilution.

(d) in the case of imitation vinegar, the term "Acetic Acid" must appear in the immediate vicinity of the class designation.

(e) The name or trade name and the address of the manufacturer, packer or distributor of the vinegar: Provided that such address shall be the physical address of the manufacturer, packer or distributor concerned.

(f) in the case of vinegar which is imported into the Republic in the containers in which it is to be sold in the retail trade, with an indication of the country of origin, preceded by the expression "Imported from" or "Manufactured in".

(g) if any foodstuff or food additive has been added to vinegar, with an indication thereof as required in terms of the Foodstuffs, Cosmetics and Disinfectants Act, 1972 (Act No. 54 of 1972).

(h) An indication of the volume of the contents as required in terms of the Trade Metrology Act, 1973 (Act No. 77 of 1973).

(2) Subject to the provisions of subregulation (3), the particulars referred to in subregulation (1) and specified in column 1 of Table 1 shall be indicated in detached letters and figures-

(a) that are in each separate case of the same colour, type anti size;

(b) that appear on a uniform and contrasting background;

(c) that are clearly legible; and

(d) of which the minimum vertical height shall be as specified in column 2 of Table 1 opposite the particulars concerned.

(3) if any word or expression that is not a trade mark, or is not required in terms of these regulations or another law, appears on a container of vinegar, the vertical height of the letters and figures used to indicate the class designation of the vinegar concerned shall, subject to the provisions of subregulation (2) (d), be at least the same as that of the largest letter or figure in the word or expression concerned.

Restriction on the use of certain particulars

7. (1) No word, mark, illustration, depiction or other method of expression that constitutes a misrepresentation or which directly or by implication creates or may create a misleading impression regarding the quality, nature, class or origin of the vinegar, shall be marked on a container thereof.

(2) The words "natural", "super", "ultra", "extra", or "pure" or any other word or expression that directly or by implication creates or may create the impression that the vinegar is of a special or particular quality, shall not be marked on a container unless the word or expression concerned is part of the trade mark appearing on such a container.

(3) No claim regarding the absence of any substance that does not normally occur in vinegar shall be marked on a container thereof.

(4) No class designation other than the applicable class designation may be marked on a container of vinegar.

(5) (a) No depiction of a leaf, fruit or any other plant part shall appear on a container of imitation vinegar.

(b) The provisions of paragraph (a) shall, in the case of an imitation vinegar, not be construed so as to include a prohibition on an illustration or depiction of a bowl of salad in conjunction with the expression "serving suggestion".

(6) The provisions of these regulations shall mutatis mutandis apply to particulars that are marked on an outer container in which one or more separate containers of vinegar is packed.

Offences and penalties

8. Any person who contravenes or fails to comply with the provisions of these regulations shall be guilty of an offence and upon conviction be liable of a fine not exceeding R8 000 or to imprisonment for a period not exceeding 2 years or to both such fine and imprisonment.

TABLE 1
LETTER SIZES OF INDICATIONS
[Reg. 6]

Nature of particulars	Minimum vertical height of the smallest letters or figures
1. Indication of class designation [Reg. 6 (1) (a)]	4.0 mm
2. Indication of the different classes of vinegar in a blended vinegar [Reg. 6 (1) (b)]	2.0 mm
3. Indication of origin or flavour of unspecified of flavoured vinegar [Reg. 6 (1) (a) (ii) and (iii)]	4.0 mm
4. Indication of dilution ratio [Reg. 6 (1) (c)]	2.0 mm
5. Indication of "Acetic Acid" [Reg. 6 (1) (d)]	3.0 mm
6. Indication of manufacturer, packer or distributor [Reg. 6 (1) (e)]	1.0 mm
7. Indication of country of origin [Reg. 6 (1) (f)]	2.0 mm