

# GOVERNMENT NOTICE

## DEPARTMENT OF AGRICULTURE, FORESTRY AND FISHERIES

No. R.260

27 March 2015

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

#### REGULATIONS RELATING TO THE CLASSIFICATION, PACKING AND MARKING OF DAIRY PRODUCTS AND IMITATION DAIRY PRODUCTS INTENDED FOR SALE IN THE REPUBLIC OF SOUTH AFRICA

The Minister of Agriculture, Forestry and Fisheries has under section 15 of the Agricultural Product Standards Act, 1990 (Act No. 119 of 1990) --

- (a) made the regulations in this Schedule;
- (b) repealed the regulations published by the following Government Notices:
- (i) R. 2580 of 20 November 1987.
  - (ii) R. 2581 of 20 November 1987.
  - (iii) R. 1059 of 3 June 1988.
  - (iv) R. 1060 of 3 June 1988.
  - (v) R. 2141 of 6 October 1989.
  - (vi) R. 1465 of 26 August 1994; and
- (c) determined that the said regulations shall come into operation 12 months after date of publication thereof.

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### **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 –

"**address**" means a physical address and includes the street or road number or name and the name of the town, village or suburb and, in the case of a farm, the name or number of the farm and of the magisterial district in which it is situated;

"**animal fat**" means any fat of animal origin, excluding milk fat and marine fat;

"**batch**" means a definite quantity of a dairy product or imitation dairy product produced essentially under the same conditions, and which do not exceed a period of 24 hours;

"**class designation**" means a class designation, alternate class designation or the type of dairy product or imitation dairy product as specified by these regulations;

"**commercially sterile**" means the absence of microorganisms capable of growing in the dairy product at normal non-refrigerated conditions at which the food is likely to be held during manufacture, distribution and storage;

"**composite dairy product**" means a product consisting of a combination of a primary dairy product and another foodstuff the solids of which are not intended to replace any part of the milk solids of that primary dairy product;

"**container**" means any packaging of dairy or imitation dairy product directly in contact with the product for delivery as a single item and includes wrappers and multipacks when such is offered to the consumer;

"**dairy product**" means a primary dairy product, a composite dairy product or a modified dairy product;

- "food additive"** means a substance, supplement or any other substance which may be added to a foodstuff to affect its keeping quality, consistency, colour, taste, flavour, smell or other technical property as permitted for in the regulations published under the Foodstuff, Cosmetics and Disinfectants Act, 1972 (Act No. 54 of 1972), and includes but is not limited to acids, bases, salts, preservatives, antioxidants, anti-caking agents, colourants, flavourings, emulsifiers, stabilisers and thickeners;
- "foodstuff"** means a foodstuff as defined by the Foodstuffs, Cosmetics and Disinfectants Act, 1972 (Act No. 54 of 1972);
- "fruit"** means an edible part of a fruit and/or vegetable, either fresh or preserved, presented as but not limited to pulp, puree or fruit juice concentrate;
- "heat treatment"** means pasteurisation, UHT, sterilisation or any other suitable heat treatment of a dairy product or an imitation dairy product as defined in the regulations published under the Foodstuffs, Cosmetics and Disinfectants Act, 1972 (Act No. 54 of 1972);
- "imitation dairy product"** means any product other than a dairy product or a fat spread, that is of animal or plant origin and in general appearance, presentation and intended use corresponds to a dairy product;
- "inspector"** means the executive officer or an officer under his or her control, or an assignee or an employee of an assignee;
- "label"** means any tag, brand, mark, pictorial, graphic or other descriptive matter, which is written, printed, stencilled, marked, embossed, impressed upon, or permanently attached to a container of a dairy product or imitation dairy product, and includes labelling for the purpose of promoting its sale or disposal;
- "main panel"** means that part of the container, outer container or label that bears the brand or trade name of the product in greatest prominence or any other part of the container or label that bears the brand or trade name in equal prominence;
- "marine fat"** means fat obtained from marine animals;
- "milk"** means the normal secretion of the mammary glands of bovines, goats or sheep or other milking animals;
- "milk solids"** means the solids of milk after the removal of the moisture;
- "m/m"** means the percentage fat, total solids, protein or fruit content, as the case may be, calculated on a mass per mass basis;
- "modified dairy product"** means a product that, in so far as it relates to general appearance, presentation and intended use, corresponds to a primary dairy product, and of which not more than 50 per cent of the fat content, protein content and carbohydrate content has respectively been obtained from a source other than a primary dairy product;
- "multipack"** means a packaging other than an outer container which consist of multiple individual containers of 150 ml/g or less of the same type of dairy product or imitation dairy product in individual containers and is intended to be consumed separately and is sold as one unit only;
- "organic"** means a product which has been produced, processed and handled in compliance with organic production standards and certified by a recognised accredited certification body or authority;
- "outer container"** means any packaging other than gift packs or hamper packs containing individual containers or multipacks whether it completely or partially encloses the containers or multipacks;
- "pasteurisation"** means the heat treatment of a dairy product or an imitation dairy product as defined in the regulations published under the Foodstuffs, Cosmetics and Disinfectants Act, 1972 (Act No. 54 of 1972);

"**permitted non-nutritive sweetener**" means a non-nutritive sweetener permitted in terms of the regulations published under the Foodstuffs, Cosmetics and Disinfectants Act, 1972 (Act No. 54 of 1972);

"**primary dairy product**" means milk or a product that has been derived or manufactured solely from milk, and to which no substances other than permitted food additives not intended to replace any part of the milk solids in that product are added, and includes a product that consists of a combination of two or more such products;

"**recombined milk product**" means milk or a milk product resulting from the combination of milk fat and milk-solids-non-fat in their preserved forms with or without the addition of water to achieve the appropriate milk product composition;

"**reconstituted milk product**" means milk or a milk product resulting from the addition of water to the dried or concentrated form of the product in the amount necessary to re-establish the appropriate water to solid ratio;

"**registered trade mark**" means a registered trade mark as defined by the Trade Marks Act, 1993 (Act No. 194 of 1993);

"**sterilisation**" means the heat treatment of a dairy product or an imitation dairy product as defined in the regulations published under the Foodstuffs, Cosmetics and Disinfectants Act, 1972 (Act No. 54 of 1972);

"**sugar**" means sugar as defined in the *Codex Standard for Sugars* (CODEX STAN 212-1999);

"**the Act**" means the Agricultural Product Standards Act, 1990 (Act No. 119 of 1990);

"**ultra high temperature (UHT)**" means the heat treatment of a dairy product or an imitation dairy product as defined in the regulations published under the Foodstuffs, Cosmetics and Disinfectants Act, 1972 (Act No. 54 of 1972);

"**ultra-pasteurisation**" means the heat treatment of milk to achieve an end product that complies with the specifications of Table 1 A;

"**vegetable fat**" means oil or fat that is obtained from vegetable matter; and

"**yoghurt culture**" means a culture consisting of *Lactobacillus delbrueckii* subsp. *bulgaricus* and *Streptococcus thermophilus* or another similar culture used for the manufacture of the primary dairy product known as yoghurt.

#### ***Restrictions on the sale of dairy products and imitation dairy products***

2. (1) No person shall sell a dairy product or an imitation dairy product in the Republic of South Africa –

- (a) unless such product is classified and presented for sale according to the class referred to in regulations 3 and 22;
- (b) unless such product complies with the relevant prescribed standards;
- (c) unless such product is packed in a container and/or outer container and in a manner so prescribed by regulation 24;
- (d) unless a container in which such product is packed, is marked with particulars and in a manner set out in regulations 25 to 30;

- (e) if such product contains a substance so prescribed as a substance which it may not contain; and
- (f) if such product is marked with particulars which it may not be marked as set out in regulation 31.

(2) The prohibition set out in sub-regulation (1) shall not apply to the sale of a dairy product or an imitation dairy product that is an infant formula and a follow-up formula as defined in the regulations published under the Foodstuffs, Cosmetics and Disinfectants Act, 1972 (Act No. 54 of 1972).

(3) The Executive Officer may grant written exemption, entirely or partially to any person on such conditions, as he or she may deem necessary, from the provisions of sub-regulation (1).

## PART I: DAIRY PRODUCTS

### *Classes of dairy products*

3. (1) Dairy products shall be classified --
- (a) in accordance with the classes specified in column 2 or the alternate class designations (where applicable) as specified in column 3 of Tables 1 to 17 for the type of dairy product concerned; or
  - (b) as the type of dairy product concerned specified in column 1 of the applicable Table, if the dairy product does not fall within the classes already provided for in column 2 of the applicable Tables, except for cheese specified in Table 9 which shall be the alternate class designations specified in column 3: Provided that --
    - (i) the expression "fat free", "low fat" or "reduced fat", as the case may be, shall form part of the class designation; and
    - (ii) the nutrient claim or comparative claim in sub-paragraph (i) above shall comply with the requirements for such claim as specified in the regulations published under the Foodstuffs, Cosmetics and Disinfectants Act, 1972 (Act No. 54 of 1972).

### *General standards for dairy products*

4. (1) All classes of dairy products shall --
- (a) have a clean characteristic flavour, texture and taste of the specific product concerned;
  - (b) subject to the provisions of sub-regulation (3), be free of any substance that does not naturally form part of milk; and
  - (c) comply with the applicable standards as specified in columns 4, 5, 6, 7, 8, 9 and 10 of Tables 1-17 opposite the class concerned.
- (2) Subject to the provisions of sub-regulation (1), dairy products shall comply with the additional requirements for each product concerned indicated in regulations 5 to 21.
- (3) A dairy product may contain other foodstuffs and food additives to the extent permissible in the regulations published under the Foodstuffs, Cosmetics and Disinfectants Act, 1972 (Act No. 54 of 1972).

(4) Subject to the provisions of sub-regulation (3), a composite dairy product shall be free of any substance that does not naturally form part of milk or the foodstuff that has been added thereto.

***Standards for milk***

5. (1) Milk shall --

- (a) not clot when boiled for five minutes;
- (b) comply with the provisions of regulation 4; and
- (c) result in the lactoperoxidase activity and  $\beta$ - lactoglobulin content as specified in Table 1A.

(2) In the case where foodstuffs and/or food additives have been added to milk, the milk solids, pH value, freezing point and the provisions of Table 1 A shall not be applicable.

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TABLE 1  
CLASSES OF AND STANDARDS FOR MILK

Type of primary dairy product	Class/ Class designation	Alternate class designation	Milk fat content (%) (m/m)	Minimum milk solids		Minimum milk protein content calculated on a fat-free basis (%) (m/m)	pH value at 20 - 25°C	Maximum freezing point (°C)	Additional requirements
				Calculated on the total content (%) (m/m)	Calculated on a fat-free basis (%) (m/m)				
1	2	3	4	5	6	7	8	9	10
1. Milk	High fat milk	*	More than 4.5	8.2	8.6	3	6.5 - 6.85	-0.512	Table 1A, Regulation 28 (3), (4) and (6)
	Full fat milk	Full cream milk; Whole milk; Milk	More than 3.3 - 4.5	8.3	8.6	3	6.5 - 6.85	-0.512	Table 1A, Regulation 28 (3), (4) and (6)
	Medium fat milk	X % Medium fat milk; X % Medium cream milk	More than 1.5 - 3.3	8.4	8.6	3	6.5 - 6.85	-0.512	Table 1A, Regulation 28 (3), (4) and (6)
	Low fat milk	*	More than 0.5 - 1.5	8.5	8.6	3	6.5 - 6.85	-0.512	Table 1A, Regulation 28 (3), (4) and (6)
	Fat free milk	Skim(med) milk	Not more than 0.5	8.6	8.6	3	6.5 - 6.85	-0.512	Table 1A, Regulation 28 (3), (4) and (6)

\* Not specified

X denotes the actual percentage (%) of milk fat

**TABLE 1A  
ADDITIONAL STANDARDS FOR MILK**

	<b>Pasteurised milk</b>	<b>Ultra pasteurised milk</b>	<b>UHT milk</b>	<b>Sterilised milk</b>
<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>5</b>
Lactoperoxidase activity	Positive	Negative	Negative	Negative
β-Lactoglobulin content	> 2500 mg/litre	≥ 2000 mg/litre	≥ 50 mg/litre	< 50 mg/litre

**Standards for cultured milk**

6. (1) Cultured milk shall --
- (a) be obtained from heat treated milk and/or reconstituted or recombined milk that has been inoculated with a culture to produce a microbiological flora under controlled conditions;
  - (b) contain at least 10<sup>7</sup> colony forming units per gram (CFU/g) of viable lactic acid or lactic acid and aroma producing micro-organisms per gram of a product;
  - (c) have a pH value of less than 4.6; and
  - (d) comply with the provisions of regulation 4.

(2) The word "maas" in the alternate class designation may be substituted by the word "amazi" or "amasi".

**TABLE 2  
CLASSES OF AND STANDARDS FOR CULTURED MILK**

<b>Type of primary dairy product</b>	<b>Class/ Class designation</b>	<b>Alternate class designation</b>	<b>Milk fat content (%) (m/m)</b>	<b>Minimum milk solids non-fat content</b>		<b>Minimum milk protein content calculated on a fat-free basis (%) (m/m)</b>
				<b>Calculated on the total content (%) (m/m)</b>	<b>Calculated on a fat-free basis (%) (m/m)</b>	
<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>5</b>	<b>6</b>	<b>7</b>
1. Cultured milk	Cultured high fat milk	High fat maas; High fat sour milk	More than 4.5	8.2	8.6	3.0
	Cultured full fat milk	Sour milk; Maas; Cultured full cream milk; Full cream maas	More than 3.3 - 4.5	8.3	8.6	3.0

Type of primary dairy product	Class/ Class designation	Alternate class designation	Milk fat content (%) (m/m)	Minimum milk solids non-fat content		Minimum milk protein content calculated on a fat-free basis (%) (m/m)
				Calculated on the total content (%) (m/m)	Calculated on a fat-free basis (%) (m/m)	
1	2	3	4	5	6	7
	Cultured medium fat milk	Medium fat sour milk; Medium fat maas	More than 1.5 - 3.3	8.4	8.6	3.0
	Cultured low fat milk	Low fat sour milk; Low fat maas	More than 0.5 - 1.5	8.5	8.6	3.0
	Cultured fat free milk	Cultured skim (med) milk; Skim (med) sour milk; Fat free sour milk; Skim (med) maas; Fat free maas	Not more than 0.5	8.6	8.6	3.0

#### **Standards for buttermilk and cultured buttermilk**

7. (1) Buttermilk shall be manufactured by the butter making process, and may be inoculated with a butter culture or with lactic acid and aroma producing cultures.
- (2) Cultured buttermilk shall --
- (a) be obtained from heat treated milk and/or reconstituted or recombined milk;
  - (b) be soured by inoculation with a butter culture or lactic acid, or with lactic acid and aroma producing cultures;
  - (c) have a pH value of less than 4.6; and
  - (d) contain at least  $10^7$  colony forming units per gram (CFU/g) of viable lactic acid or lactic acid and aroma producing micro-organisms per gram of a product.
- (3) Both buttermilk and cultured buttermilk shall comply with the provisions of regulation 4.

**TABLE 3**  
**CLASSES OF AND STANDARDS FOR BUTTERMILK AND CULTURED BUTTERMILK**

Type of dairy product	Class /Class designation	Alternate class designation	Milk fat content (%) (m/m)	Minimum milk solids non-fat content calculated on the total content (%) (m/m)
1	2	3	4	5
1. Buttermilk	Low fat buttermilk	*	More than 0.5 - 1.5	6.0
	Fat free buttermilk	Skim(med) buttermilk	Not more than 0.5	6.0
2. Cultured buttermilk	Cultured high fat buttermilk	*	More than 4.5	8.2
	Cultured full fat buttermilk	Cultured buttermilk; Cultured full cream buttermilk	More than 3.3 - 4.5	8.3
	Cultured medium fat buttermilk	*	More than 1.5 - 3.3	8.4
	Cultured low fat buttermilk	*	More than 0.5 - 1.5	8.5
	Cultured fat free buttermilk	Skim(med) cultured buttermilk	Not more than 0.5	8.6

\* Not specified

***Standards for sweetened condensed milk***

8. (1) Sweetened condensed milk shall --
- (a) be manufactured by partial removal of water from milk with the addition of sugar, or by any other process which leads to a product of the same composition and characteristics; and
  - (b) comply with the provisions of regulation 4.
- (2) Sodium chloride may be added during the manufacturing process.

**TABLE 4  
CLASSES OF AND STANDARDS FOR SWEETENED CONDENSED MILK**

Type of dairy product	Class/ Class designation	Alternate class designation	Milk fat content (%) (m/m)	Minimum milk solids content		Minimum milk protein content calculated on a milk solids non-fat basis (%) (m/m)
				Calculated on the total content (%) (m/m)	Calculated on a fat-free basis (%) (m/m)	
1	2	3	4	5	6	7
1. Sweetened condensed milk	Sweetened condensed high fat milk	*	At least 16	*	14	34
	Sweetened condensed full fat milk	Sweetened condensed milk; Sweetened condensed full cream milk	8 - less than 16	28	*	34
	Sweetened condensed medium fat milk	*	More than 1 - less than 8	24	20	34
	Sweetened condensed skim(med) milk	*	Not more than 1	24	*	34

\* Not specified

**Standards for evaporated milk**

9. (1) Evaporated milk shall --
- (a) be manufactured by partial removal of water from milk by heat, or by any other process which leads to a product of the same composition and characteristics; and
  - (b) comply with the provisions of regulation 4.

**TABLE 5  
CLASSES OF AND STANDARDS FOR EVAPORATED MILK**

Type of dairy product	Class / Class designation	Alternate class designation	Milk fat content (%) (m/m)	Minimum milk solids non-fat content		Minimum milk protein content calculated on a milk solids non-fat basis (%) (m/m)	Maximum moisture content (%) (m/m)
				Calculated on the total content (%) (m/m)	Calculated on a fat-free basis (%) (m/m)		
1	2	3	4	5	6	7	8
1. Evaporated milk	Evaporated high fat milk	*	At least 15	*	11.5	34	73

Type of dairy product	Class / Class designation	Alternate class designation	Milk fat content (%) (m/m)	Minimum milk solids non-fat content		Minimum milk protein content calculated on a milk solids non-fat basis (%) (m/m)	Maximum moisture content (%) (m/m)
				Calculated on the total content (%) (m/m)	Calculated on a fat-free basis (%) (m/m)		
1	2	3	4	5	6	7	8
	Evaporated full fat milk	Evaporated milk; Evaporated full cream milk	7.5 - less than 15	25	*	34	75
	Evaporated medium fat milk	*	More than 1 - less than 7.5	20	*	34	80
	Evaporated skim (med) milk	*	Not more than 1	20	*	34	80

\* Not specified

#### **Standards for yoghurt and drinking yoghurt**

10. (1) Yoghurt and drinking yoghurt shall --

- (a) be manufactured mainly from heat treated milk and/or reconstituted or recombined milk that has been inoculated with a yoghurt culture to produce a microbiological flora under controlled conditions;
- (b) contain at least  $10^7$  colony forming units per gram (CFU/g) of viable yoghurt culture micro-organism per gram of a product;
- (c) not be subjected to heat treatment after fermentation; and
- (d) comply with the provisions of regulation 4.

(2) If a specific micro-organism is used in conjunction with the sale of any type of (drinking) yoghurt and where the content claim is made in the labelling that refers to the presence of such specific micro-organism that has been added to supplement the yoghurt culture, it shall contain at least  $10^7$  colony forming units per gram (CFU/g) of that specified micro-organism.

(3) The standards specified in Table 6 shall be applicable to yoghurt and drinking yoghurt --

- (a) without added sugar; and
- (b) with or without food additives, which have only been sweetened with a permitted non-nutritive sweetener.

**TABLE 6**  
**CLASSES OF AND STANDARDS FOR YOGHURT AND DRINKING YOGHURT**

Type of dairy product	Class/ Class designation	Alternate class designation	Milk fat content (%) (m/m)	Minimum milk solids non- fat content		Minimum milk protein content calculated on a fat-free basis (%) (m/m)
				Calculated on the total content (%) (m/m)	Calculated on a fat-free basis (%) (m/m)	
1	2	3	4	5	6	7
1. Yoghurt	High fat yoghurt	Double cream yoghurt	More than 4.5	8.2	8.6	2.7
	Full fat yoghurt	Yoghurt; Full cream milk yoghurt; Full cream yoghurt	More than 3.3 - 4.5	8.2	8.6	2.7
	Medium fat yoghurt	*	More than 1.5 - 3.3	8.2	8.6	2.7
	Low fat yoghurt	*	More than 0.5 - 1.5	8.4	8.6	2.7
	Fat free yoghurt	Skim(med) milk yoghurt	Not more than 0.5	8.6	8.6	2.7
2. Drinking Yoghurt	High fat drinking yoghurt	Double cream drinking yoghurt	More than 4.5	8.2	8.6	2.5
	Full fat drinking yoghurt	Drinking yoghurt; Full cream milk drinking yoghurt; Full cream drinking yoghurt	More than 3.3 - 4.5	8.2	8.6	2.5
	Medium fat drinking yoghurt	*	More than 1.5 - 3.3	8.2	8.6	2.5
	Low fat drinking yoghurt	*	More than 0.5 - 1.5	8.4	8.6	2.5
	Fat free drinking yoghurt	Skim(med) milk drinking yoghurt	Not more than 0.5	8.6	8.6	2.5

\* Not specified

**Standards for yoghurt with added foodstuff and/or fruit**

11. (1) Yoghurt with added foodstuff and/or fruit, shall --
- (a) be manufactured mainly from heat treated milk and/or reconstituted or recombined milk that has been inoculated with a yoghurt culture to produce a microbiological flora under controlled conditions;
  - (b) contain at least  $10^7$  colony forming units per gram (CFU/g) of viable yoghurt

culture micro-organisms per gram of a product;

- (c) comply with the applicable standards for the class concerned;
- (d) not be subjected to heat treatment after fermentation, and
- (e) comply with the provisions of regulation 4.

(2) A composite dairy product of the type known as fruit yoghurt shall have a total fruit content of at least 6 per cent but not more than 25 per cent on a mass per mass basis.

(3) The total dry matter content of a composite dairy product of the type known as yoghurt with added foodstuff and/or fruit, and which has been sweetened with a permitted non-nutritive sweetener, shall, in the case of --

- (a) high fat yoghurt with added foodstuff and/or fruit be at least 15 per cent (m/m);
- (b) full fat yoghurt with added foodstuff and/or fruit be at least 14.5 per cent (m/m);
- (c) medium fat yoghurt with added foodstuff and/or fruit be at least 14 per cent (m/m);
- (d) low fat yoghurt with added foodstuff and/or fruit be at least 13.5 per cent (m/m); and
- (e) fat free yoghurt with added foodstuff and/or fruit be at least 13 per cent (m/m).

(4) The expression "drinking", "pouring", or any other similar word may precede or form part of the class designation if the yoghurt with added foodstuff and/or fruit is specifically manufactured for such purpose.

(5) If a specific micro-organism is used in conjunction with the sale of any type of yoghurt with added foodstuff and/or fruit, and where the content claim is made in the labelling that refers to the presence of such specific micro-organism that has been added to supplement the yoghurt culture, it shall contain at least  $10^7$  colony forming units per gram (CFU/g) of that specified micro-organism.

(6) The standards specified in Table 7 shall also be applicable to yoghurt which is sweetened with added sugar.

(7) Subject to the provisions of regulation 28 (3), the name of the added sugar may not form part of the class designation in the case of yoghurt sweetened with sugar.

**TABLE 7**  
**CLASSES OF AND STANDARDS FOR YOGHURT AND DRINKING YOGHURT WITH ADDED FOODSTUFF AND/OR FRUIT**

Type of composite dairy product	Class/ Class designation	Alternate class designation	Milk fat content (%) (m/m)	Total dry matter content (%) (m/m)	Minimum milk protein content (%) (m/m)
1	2	3	4	5	6
1. Yoghurt with added foodstuff and/or fruit	High fat yoghurt with (name of the added foodstuff and/or fruit)	Double cream yoghurt with (name of the added foodstuff and/or fruit)	More than 4.5	At least 18.0	2.0

Type of composite dairy product	Class/ Class designation	Alternate class designation	Milk fat content (%) (m/m)	Total dry matter content (%) (m/m)	Minimum milk protein content (%) (m/m)
1	2	3	4	5	6
	Full fat yoghurt with (name of the added foodstuff and/or fruit)	Yoghurt with (name of the added foodstuff and/or fruit); Full cream yoghurt with (name of the added foodstuff and/or fruit)	More than 3.3 - 4.5	At least 17.5	2.0
	Medium fat yoghurt with (name of the added foodstuff and/or fruit)	*	More than 1.5 - 3.3		2.0
	Low fat yoghurt with (name of the added foodstuff and/or fruit)	*	More than 0.5 - 1.5	More than 17.0	2.0
	Fat free yoghurt with (name of the added foodstuff and/or fruit)	*	Not more than 0.5	More than 16.5	2.0

\* Not specified

**Standards for cream, cultured cream and acidified cream**

12. (1) Cream, cultured cream and acidified cream shall comply with the provisions of regulation 4.
- (2) Cultured cream shall --
- be soured by inoculation with a lactic acid or lactic acid and aroma producing culture; and
  - contain at least  $10^7$  colony forming units per gram (CFU/g) of viable lactic acid or lactic acid and aroma producing micro-organisms per gram of a product.
- (3) Acidified cream shall be obtained by acidifying cream with permitted acids or acidity regulators to achieve a desired pH value.

**TABLE 8  
CLASSES OF AND STANDARDS FOR CREAM, CULTURED CREAM AND ACIDIFIED CREAM**

Type of dairy product	Class/ Class designation	Alternate class designation	Milk fat content (%) (m/m)	pH value
1	2	3	4	6
1. Cream	Double thick cream	Clotted cream	More than 45	6.5 – 6.85
	Whipping cream	Cream; Thick cream	30 - 45	6.5 – 6.85
	Whipped cream	*	25 - less than 30	6.5 – 6.85

Type of dairy product	Class/ Class designation	Alternate class designation	Milk fat content (%) (m/m)	pH value
1	2	3	4	6
	Dessert cream	Cooking cream	20 - less than 25	6.5 – 6.85
	Medium fat cream	Thin cream; Pouring cream; Coffee cream	10 - less than 20	6.5 – 6.85
2. Acidified cream	Acidified cream	*	More than 20	*
	Medium fat acidified cream	*	10 - 20	*
3. Cultured cream	Cultured cream	Sour cream	More than 20	Less than 4.6
	Medium fat cultured cream	Medium fat sour cream	10 - 20	Less than 4.6

\* Not specified

#### **Standards for cheese and cheese with added foodstuff**

13. (1) Cheese shall be manufactured by --
- (a) coagulating wholly or partly the protein of milk, skimmed milk, low fat milk, cream, whey or butter milk, or any combination of these materials, through the action of rennet or other suitable coagulating agents, and partially draining the whey resulting from the coagulation, and which will result in a concentration of milk protein (in particular, the casein portion), and that consequently, the protein content of the cheese will be distinctly higher than the protein level of the blend of the afore-mentioned milk materials from which the cheese was made; and/or
  - (b) processing techniques involving coagulation of the protein of milk and/or products obtained from milk which give an end-product with similar physical, chemical and organoleptic characteristics as the product defined under paragraph (a).
- (2) Cheese and cheese with added foodstuff shall --
- (a) be a ripened or unripened soft, semi-soft, semi-hard or hard product and can be coated with wax or another protective substance; and
  - (b) comply with the provisions of regulation 4.
- (3) In the case of cheese with added foodstuff the fat-in-dry-matter content may be up to 5 per cent less and the dry matter content may be up to 5 per cent more than that required for cheese of the class designation concerned.
- (4) If the class designation or the alternate class designation is in the case of whey cheese not provided for in Table 9, the class designation indicated shall be preceded by the expression "whey".
- (5) In the case where an accelerated ripening period method is used, the prescribed minimum ripening period shall not apply: Provided that the cheese shall have similar physical, chemical and organoleptic properties of the cheese concerned.

**TABLE 9**  
**CLASSES OF AND STANDARDS FOR CHEESE**

Type of cheese	Class/ Class designation	Alternate class designation	Fat in dry matter content		Minimum dry matter content (%) (m/m)	Minimum ripening period (weeks)
			Minimum (%) (m/m)	Maximum (%) (m/m)		
1	2	3	4	5	6	7
1. Hard cheese	High fat cheese	Unspecified	60	*	56	*
	(Full fat) cheese	Asiago	45	*	63	20
		Cacciocavallo	45	*	64	20
		Cheddar	48	*	61	5
		Emmental	45	*	60	8
		Gruyère	45	*	62	8
		Mature cheddar	48	*	62	25
		Pecorino	45	*	60	12
		Samsø	45	*	54	3
		Unspecified	45	59	60	5
	Medium fat cheese	Medium fat cheddar	35	47	48	5
		Medium fat Pecorino	25	44	56	12
		Medium fat Samsø	35	44	46	3
		Parmesan	25	44	64	25
Reggiano		30	45	67	*	
Unspecified		10	44	52	8	
2. Semi-hard cheese	High fat cheese	Drakensberg	56	*	56	*
		Unspecified	60	*	60	1
	High fat blue mould cheese	Unspecified	60	*	52	6
	(Full fat) cheese	Baby Gouda	48	60	55	3
		Cheshire	48	*	56	4
		Danbo	45	*	52	3
		Edam	38	*	47	3
		Feta	45	*	*	*
		Gouda or sweet milk	48	*	55	3
		Halloumi	45	*	52	*
		Havarti	45	*	50	1
		Mozzarella	45	*	31	*
		Provolone	45	*	51	4
		Tilsiter	45	*	55	3
		Washed curd cheese	45	*	52	4
	(Full fat) blue mould cheese	Unspecified	45	59	50	4
		Blue Stilton	45	*	56	6
		Wensleydale	45	*	56	6
	(Full fat) white mould cheese	Unspecified	50	59	52	6
Stilton; White Stilton		50	*	56	6	
Wensleydale		45	*	56	6	
Unspecified	50	59	50	6		

Type of cheese	Class/ Class designation	Alternate class designation	Fat in dry matter content		Minimum dry matter content (%) (m/m)	Minimum ripening period (weeks)
			Minimum (%) (m/m)	Maximum (%) (m/m)		
1	2	3	4	5	6	7
	Medium fat cheese	Cumin	40	44	53	4
		Medium fat Danbo	35	44	44	3
		Medium fat Feta	30	44	34	*
		Medium fat Gouda	38	47	48	3
		Medium fat Havarti	38	44	46	1
		Medium fat Mozzarella	30	44	26	*
		Medium fat Tilsiter	35	44	49	3
		Unspecified	10	44	34	*
		Medium fat white mould cheese	Unspecified	*	10	*
	3. Semi-Soft cheese	High fat cheese	Unspecified	60	*	55
(Full fat) cheese		Unspecified	45	59	48	*
(Full fat) white mould cheese		Brie	45	*	43	2
		Bel Paese	45	*	50	*
		Camembert	45	*	43	2
		Saint (St) Paulin	40	*	44	1
		Unspecified	40	*	43	*
(Full fat) blue mould		Gorgonzola	50	60	56	6
		Roquefort	50	60	56	6
		Unspecified	48	54	50	2
Medium fat cheese	Robiola	35	44	35	*	
	Unspecified	25	44	*	*	
Medium fat white mould cheese	Medium fat Brie	40	44	44	2	
	Camembert	40	44	41	2	
	Unspecified	10	44	20	*	
4. Soft cheese	High-fat cheese	Unspecified	60	*	50	*
	(Full fat) cheese	Coulommiers	40	*	42	2
		Limburger	45	*	38	*
		Ricotta	50	59	45	*
		Romadur	45	*	40	*
		Unspecified	45	59	40	*
	Medium fat cheese	Medium fat ricotta	25	44	25	*
		Unspecified	10	44	20	*

\* Not specified

**Standards for process cheese and cheese spread (with or without added foodstuff)**

14. (1) Process cheese and cheese spread, either with or without added foodstuff, shall --
- be manufactured by the grinding, mixing, melting and emulsifying, with the aid of heat and an emulsifying agent, of a type of cheese specified in item 1, 2, 3 or 4 of column 1 of Table 9 or the type of cream cheese specified in column 1 of Table 11;
  - during the manufacture thereof be heat treated for 30 seconds at a temperature

of 70°C, or any other equivalent or greater time/temperature combination; and

(c) comply with the provisions of regulation 4.

(2) If a designation specified in column 3 of Table 9 is used in connection with the sale of process cheese or cheese spread (with or without added foodstuff), the specified cheese shall consist of at least 50 per cent of the cheese concerned in the final product except for blue mould cheese which shall consist of at least 42 per cent of the cheese concerned.

(3) In the case of process cheese and cheese spread with added foodstuff the fat-in-dry-matter content may be up to 5 per cent less and the dry matter content may be up to 5 per cent more than that required for process cheese and cheese spread of the class designation concerned.

**TABLE 10  
CLASSES OF AND STANDARDS FOR PROCESS CHEESE AND CHEESE SPREAD**

Type of dairy product	Class / Class designation	Alternate class designation	Fat in dry matter content		Minimum dry matter content (%) (m/m)
			Minimum (%) (m/m)	Maximum (%) (m/m)	
1	2	3	4	5	6
1. Process cheese	High fat process cheese	Double cream process cheese	60	*	52
	Full fat process cheese	Process cheese; Full cream process cheese	40	59	40
	Medium fat process cheese	*	25	39	30
2. Cheese spread	High fat cheese spread	Double cream cheese spread	60	*	44
	Full fat cheese spread	Cheese spread; Full cream cheese spread	40	59	41
	Medium fat cheese spread	*	25	39	31

\* Not specified

**Standards for cream cheese and cream cheese with added foodstuff**

15. (1) Cream cheese and cream cheese with added foodstuff shall --

- (a) be manufactured mainly from the primary dairy product known as cream and products obtained from milk; and
- (b) comply with the provisions of regulation 4.

(2) The fat-in-dry-matter content of cream cheese with added foodstuff may be up to 5 per cent less and the dry matter content may be up to 5 per cent more than that required for cheese of the class designation concerned.

(3) In the case of Mascarpone, the pH value shall be more than 5.5 but not exceeding 6.6.

**TABLE 11  
CLASSES OF AND STANDARDS FOR CREAM CHEESE AND CREAM CHEESE WITH ADDED  
FOODSTUFF**

Type of dairy product	Class / Class designation	Alternate class designation	Fat in dry matter content		Minimum dry matter content (%) (m/m)	Milk fat content (%) (m/m)
			Minimum (%) (m/m)	Maximum (%) (m/m)		
1	2	3	4	5	6	7
1. Cream cheese	Full fat cream cheese	Mascarpone; Cream cheese	70	*	45	At least 33
	Medium fat cream cheese	*	52	69	35	At least 20 but less than 33

\* Not specified

**Standards for cottage cheese and cottage cheese with added foodstuff**

16. (1) Cottage cheese and cottage cheese with added foodstuff shall be manufactured from milk or products obtained from milk.

(2) Creamed cottage cheese shall be manufactured mainly from the primary dairy products known as cottage cheese and cream.

(3) Cottage cheese and cottage cheese with added foodstuff shall comply with the provisions of regulation 4.

**TABLE 12  
CLASSES OF AND STANDARDS FOR COTTAGE CHEESE AND COTTAGE CHEESE WITH ADDED  
FOODSTUFF**

Type of dairy product	Class / Class designation	Alternate class designation	Fat in dry matter content (%) (m/m)	Maximum moisture content (%) (m/m)	Total dry matter content (%) (m/m)
1	2	3	7	5	6
1. Cottage cheese	Full fat cottage cheese	Cottage cheese; Full cream cottage cheese; Creamed cottage cheese	45 - 60	75	*
	Medium fat cottage cheese	*	25 - 44	77	*
2. Cottage cheese with added foodstuff	Full fat cottage cheese with (name of the added foodstuff)	Cottage cheese with (name of the added foodstuff); Full cream cottage cheese with (name of the added foodstuff); Creamed cottage cheese with (name of the added foodstuff)	45 - 60	73	More than 27
	Medium fat cottage cheese with (name of the added foodstuff)	*	25 - 44	75	More than 25

\* Not specified

**Standards for butter and cultured butter**

17. (1) Butter and cultured butter shall --
- (a) be manufactured by churning or crystallisation of cream using the appropriate method;
  - (b) not contain any animal fat, vegetable fat or marine fat; and
  - (c) comply with the provisions of regulation 4.
- (2) Cream that is intended for the manufacturing of butter may be neutralized to a pH of not higher than 7.6 by means of a substance which is permitted for such purpose by the regulations published under the Foodstuffs, Cosmetics and Disinfectants Act, 1972 (Act No. 54 of 1972).
- (3) Cream that is intended for the manufacturing of cultured butter shall be inoculated with a suitable bacterial culture to an extent that the cultured butter has a pH of less than 6.3 after fermentation.
- (4) In the case where butter is manufactured from whey, the applicable class designation shall be preceded by the expression "whey".

**TABLE 13  
CLASSES OF AND STANDARDS FOR BUTTER AND CULTURED BUTTER**

Type of primary dairy product	Class / Class designation	Alternate class designation	Milk fat (%) (m/m)	Maximum moisture content (%) (m/m)	Maximum milk solids non-fat content (%) (m/m)	Maximum Sodium chloride content (%) (m/m)	pH value
1	2	3	4	5	6	7	8
1. Butter	Salted butter	Butter	At least 80	16	2	2	*
	Unsalted butter	*	At least 80	16	2	0	*
	Medium fat salted butter	Medium fat butter	50 - 60	*	*	2	*
	Medium fat unsalted butter	*	50 - 65	*	*	0	*
2. Cultured butter	Unsalted cultured butter	Cultured butter	At least 80	16	2	0	Less than 6.3
	Medium fat unsalted cultured butter	Medium fat cultured butter	50 - 65	*	*	0	Less than 6.3

\* Not specified

**Standards for modified butter**

18. (1) Modified butter shall --
- (a) be manufactured by blending butter fat with plant fat, animal fat and/or marine fat; and
  - (b) comply with the provisions of regulation 4.
- (2) The word "spread" may form part of the class designation in the case where the modified butter is specifically manufactured for such purpose.

**TABLE 14  
CLASSES OF AND STANDARDS FOR MODIFIED BUTTER**

Type of modified dairy product	Class / Class designation	Alternate class designation	Minimum milk fat content (%) (m/m)	Maximum vegetable oil content (%) (m/m)	Maximum marine fat content (%) (m/m)	Total fat content (%) (m/m)	Additional requirements
1	2	3	4	5	6	7	9
1. Modified butter	Full fat modified butter	Modified butter	40	40	40	75 - 85	Regulation 28 (2) & 30 (2) and (3)
	Medium fat modified butter	*	30	30	30	50 - 65	Regulation 28 (2) & 30 (2) and (3)

\* Not specified

**Standards for dairy powder and dairy powder blend**

19. (1) Milk powder and butter milk powder shall be manufactured by partial removal of water from the liquid primary dairy product concerned.
- (2) All other primary dairy powder products not mentioned in sub-regulation (1) shall be manufactured by any other suitable manner to produce an end product that complies with the applicable specifications for the product concerned.
- (3) Dairy powder blend shall --
- (a) be manufactured by blending more than one primary dairy product; and
  - (b) contain no animal, plant or marine fat.
- (4) Dairy powder and dairy powder blend shall comply with the provisions of regulation 4.

**TABLE 15**  
**CLASSES OF AND STANDARDS FOR DAIRY POWDER AND DAIRY POWDER BLEND**

Type of dairy powder product	Class / Class designation	Alternate class designation	Milk fat (%) (m/m)	Minimum milk protein content calculated on a milk solids non-fat basis (%) (m/m)	Maximum moisture content (%) (m/m)
1	2	3	4	5	6
1. Milk powder	High fat milk powder	Cream powder	At least 42	34	5
	Full fat milk powder	(Whole) Milk powder; Full cream dry milk; Full cream milk powder; Full fat dry milk	26 - less than 42	34	5
	Medium fat milk powder	Medium fat dry milk	More than 3 - less than 26	34	5
	Low fat milk powder	Low fat dry milk	More than 1.5 - 3.0	34	5
	Skim(med) milk powder	Skim(med) dry milk	Not more than 1.5	34	5
2. Buttermilk powder	Buttermilk powder	Dry buttermilk	*	34	5
3. Whey powder	Whey powder	Dry whey	*	10	5
	Acid whey powder	Dry acid whey	*	7	4.5
4. Cheese powder	Cheese powder	*	At least 18	*	5
5. Dairy powder blend	High fat dairy powder blend	*	At least 42	30	5
	Full fat dairy powder blend	Full cream dairy powder blend	26 - less than 42	30	5
	Medium fat dairy powder blend	*	More than 3 - less than 26	30	5
	Low fat dairy powder blend	*	More than 1.5 - 3.0	30	5
	Skim(med) dairy powder blend	*	Not more than 1.5	30	5

\* Not specified

**Standards for milk fat**

20. (1) Milk fat shall --
- (a) be manufactured by removal of water and non-fat solids from milk or products obtained from milk; and
  - (b) comply with the provisions of regulation 4.

**TABLE 16  
CLASSES OF AND STANDARDS FOR MILK FAT**

Type of dairy product	Class designation	Alternate class designation	Minimum milk fat content (%) (m/m)	Maximum moisture content (%) (m/m)
1	2	3	4	6
1. Milk fat	Ghee	*	99.6	0.4
	Butter oil	Anhydrous butter fat; Anhydrous milk fat	99.8	0.2

**Standards for dairy liquid blend and cultured dairy liquid blend**

21. (1) Dairy liquid blend and cultured dairy liquid blend shall --
- (a) be manufactured by blending more than one primary dairy product;
  - (b) contain no animal, plant or marine fat; and
  - (c) comply with the provisions of regulation 4.
- (2) Cultured dairy liquid blend shall --
- (a) be manufactured from heat treated dairy liquid blend which has been inoculated with a culture to produce a specific microbiological flora under controlled conditions; and
  - (b) contain at least  $10^7$  colony forming units per gram (CFU/g) of viable lactic acid producing micro-organisms per gram of a product.
- (3) The word "blend" in the alternate class designation may be substituted by the word "mixture" or "mix".

TABLE 17  
CLASSES OF AND STANDARDS FOR DAIRY LIQUID BLEND AND CULTURED DAIRY LIQUID BLEND

Type of dairy product	Class / Class designation	Alternate class designation	Milk fat content (%) (m/m)	Minimum milk solids non-fat content		Minimum milk protein content calculated on a fat-free basis (%)(m/m)	pH value
				Calculated on the total content (%)(m/m)	Calculated on a fat-free basis (%)(m/m)		
1. Dairy liquid blend	2	3	4	5	6	7	8
	High fat dairy liquid blend	High fat dairy blend	More than 4.5	8.2	8.6	2.6	*
	Full fat dairy liquid blend	Dairy blend; Full cream dairy liquid blend; Full cream dairy blend	More than 3.3 - 4.5	8.3	8.6	2.6	*
	Medium fat dairy liquid blend	Medium fat dairy blend;	More than 1.5 - 3.3	8.3	8.6	2.6	*
	Low fat dairy liquid blend	Low fat dairy blend	More than 0.5 - 1.5	8.4	8.6	2.6	*
	Fat free dairy liquid blend	Fat free dairy blend; Skim(med) dairy blend	Not more than 0.5	8.6	8.6	2.6	*
	High fat cultured dairy liquid blend	High fat cultured dairy blend; High fat maas blend	More than 4.5	8.2	8.6	2.6	Less than 4.6
	Full fat cultured dairy liquid blend	Cultured dairy blend; Full cream cultured dairy liquid blend; Full cream cultured dairy blend; Maas blend	More than 3.3 - 4.5	8.3	8.6	2.6	Less than 4.6
	Medium fat cultured dairy liquid blend	Medium fat cultured dairy blend; Medium fat maas blend	More than 1.5 - 3.3	*	*	*	Less than 4.6
	Low fat cultured dairy liquid blend	Low fat cultured dairy blend; Low fat maas blend	More than 0.5 - 1.5	8.4	8.6	2.6	Less than 4.6
3. Dairy desserts	Fat free cultured dairy liquid blend	Fat free cultured dairy blend; Fat free maas blend; Skim(med) cultured dairy blend; Skim(med) maas blend	Not more than 0.5	8.6	8.6	2.6	Less than 4.6
	Dairy dessert	Dairy snack	*	*	1.5	1.5	*
	Custard		*	*	*	*	*

\* Not specified

**PART II: IMITATION DAIRY PRODUCTS*****Classes of imitation dairy products***

22. (1) Imitation dairy product shall be classified in accordance with the classes specified in column 1 or 2 of Table 18.

(2) If the type of imitation dairy product referred to in sub-regulation (1) complies with the requirements for the nutrient content claim or the comparative claim as specified in the regulations published under the Foodstuffs, Cosmetics and Disinfectants Act, 1972 (Act No. 54 of 1972), the expression "fat free", "low fat", "reduced fat", "light", "lite" or any other words with a similar meaning, as the case may be, may form part of the class designation.

***Standards for imitation dairy products***

23. (1) All classes of imitation dairy products shall --

- (a) have a clean, characteristic flavour and taste of the product concerned;
- (b) subject to the provisions of sub-regulation (6), be free of any substance that does not naturally form part of the raw materials from which it is manufactured; and
- (c) comply with the applicable standards specified in columns 3 and 4 of Table 18 opposite the class concerned.

(2) At least 50 per cent of the dry matter content of an imitation dairy product of the type known as imitation milk powder shall consist of milk solids: Provided that at least 50 per cent of such milk solids shall consist of a primary dairy product of the class known as fat free milk powder.

(3) An imitation dairy product of the class known as blend of skimmed milk with vegetable fat shall consist of milk constituents, to which vegetable fat has been added.

(4) An imitation dairy product shall, in the case of a powdered form, contain not more than 5 per cent moisture (m/m).

(5) The expression "powder(ed)" or "liquid", as the case may be, may form part of the class designation.

(6) An imitation dairy product may contain other foodstuff and/or food additives to the extent permissible in the regulations published under the Foodstuffs, Cosmetics and Disinfectants Act, 1972 (Act No. 54 of 1972).

**TABLE 18**  
**CLASSES OF AND STANDARDS FOR IMITATION DAIRY PRODUCTS**

Type/ Class of imitation dairy product	Class / Class designation	Minimum total fat content (m/m)	Minimum protein content calculated on a fat-free basis (m/m)	Additional requirements
1	2	3	4	5
1. Creamer	Coffee creamer; Tea creamer	*	*	Regulation 28 (2) & (9)
2. Imitation milk powder	Blend of skimmed milk and vegetable fat	*	20	Regulation 23 (2) Regulation 28 (2) & (9)

Type/ Class of imitation dairy product	Class / Class designation	Minimum total fat content (%) (m/m)	Minimum protein content calculated on a fat-free basis (%) (m/m)	Additional requirements
1	2	3	4	5
3. Imitation milk	(Name of plant) Milk	*	*	Regulation 28 (2) & (9)
4. Imitation cream	Confectionery topping; Dessert topping; Savoury topping Dairy free cream; Non-dairy cream	*	*	Regulation 28 (2) & 32 (12)
5. Imitation (Sweetened) condensed milk with vegetable oil or fat	(Sweetened) condensed milk with vegetable oil or vegetable fat	7.5	34	Regulation 23 (3)
6. Imitation Cheese	Imitation cheese Dairy free cheese	*	*	Regulation 28 (2) & 31 (12)
7. Unspecified imitation dairy products	Cultured (name of the plant)	*	*	Regulation 28 (2) & 31 (12)

\* Not specified

### PART III: REQUIREMENTS FOR CONTAINERS AND OUTER CONTAINERS

#### *Requirements for containers and outer containers*

24. (1) A container or outer container in which a dairy product or an imitation dairy product is packed shall --

- (a) be made 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 or taste to the contents thereof;
- (b) be so strong that it will not be damaged or deformed during normal storage, handling and transport practices;
- (c) in the case of a container that is re-used, be thoroughly cleaned and sterilized before a dairy product or an imitation dairy product is packed therein;
- (d) be intact; and
- (e) be closed properly in a manner permitted by the nature thereof.

(2) No outer container shall contain more than one class of dairy product or imitation dairy product, irrespective whether those dairy products or imitation dairy products are packed therein in separate containers.

**PART IV: MARKING REQUIREMENTS*****Marking of containers and outer containers***

25. (1) Except where specifically prescribed, all other marking requirements as specified by these regulations shall be clearly legible and be indicated at least in English, in a letter or figure size of at least 1 mm for lower case vowels.

(2) The container of a dairy product or an imitation dairy product shall be marked with the following particulars:

- (a) **The class designation and if applicable the additions to the class designation** in letters of the same type, size, colour and font, prominently on the main panel in letter size of at least 2mm for lower case vowels.
- (b) **The additional particulars** on the main panel, where applicable.
- (c) **The name and address** of the manufacturer, packer, importer or seller of that dairy product or imitation dairy product: Provided that in the case where it is not possible to use the physical address a postal address with a telephone number may be used.
- (d) **The nett and/or drained mass, or volume** whichever one is applicable, of the dairy product or imitation dairy product packed therein as required in terms of the Trade Metrology Act, 1973 (Act No. 77 of 1973): Provided the height of the mass or volume indications shall comply with the requirements as set out in the Trade Metrology Act, 1973 (Act No. 77 of 1973).
- (e) **The ingredient list**, in the manner prescribed in the regulations published under the Foodstuffs, Cosmetics and Disinfectants Act, 1972 (Act No. 54 of 1972).
- (f) **The “best before” or “use by” or “sell by” date and the batch code or batch number** in the manner prescribed in the regulations published under the Foodstuffs, Cosmetics and Disinfectants Act, 1972 (Act No. 54 of 1972).
- (g) **The country of origin**, which shall be declared as follows:
  - (i) "Product of (name of country)" if all the main ingredients, processing and labour used to make the foodstuff are from one specific country; or
  - (ii) "Produced in (name of country)", "Processed in (name of country)", "Manufactured in (name of country)", "Made in (name of country)" or similar words when a foodstuff is processed in a second country which changes its nature:
  - (iii) Provided that the words "Packed in (name of country)" may be used in addition to the requirement of sub-paragraph (i) or (ii) above.

(3) The particulars referred to in sub-regulation (2) (a), (c), (d) and (f) shall be marked on an outer container in which more than one container of a dairy product or an imitation dairy product is packed.

(4) If a primary dairy product known as milk or cultured milk is sold from a tank into the container of the buyer, the tank from which such milk or cultured milk is sold shall be marked in the immediate vicinity of the tap with the applicable class designation and the manner of heat treatment, e.g. "pasteurised" or if not heat treated, the expression "raw" or "unpasteurised", in letters and figures of which the minimum vertical height is at least 50mm.

(5) In the case of a multipack, only the particulars prescribed in sub-regulation (2) (a) shall be indicated on the individual containers: Provided that such individual containers may not be sold loose and that the outer container or the foil lid is marked with all the prescribed marking requirements.

(6) If a primary dairy product known as cheese is cut and packed in the retail trade, the container or wrapper thereof shall be provided with a label indicating the particulars referred to in sub-regulation (2) (a), (c), (d), (e), (f) and (g) and regulation 29.

(7) No word or expression may be bigger than the class designation unless it is --

- (a) a registered trade mark or trade name; or
- (b) the name that is used in connection with the sale of the cheese specified in Table 9: Provided that the difference in letter size may not exceed 5 mm.

#### ***Indication of class designation***

26. (1) The class designation of a dairy product or an imitation dairy product shall be --

- (a) the applicable class designation or the alternate class designation as specified in regulations 3 and 22; or
- (b) any combination of the class designation and the alternate class designation: Provided that the designation shall represent the true description of the product concerned.

(2) In the case of other dairy products or imitation dairy products of which the class designation or the alternate class designation thereof is not provided for by these regulations, the class designation shall be the true description of the product concerned: Provided that it is not misleading and that in the case of modified dairy products or imitation dairy products the word "modified" or "imitation", as the case may be shall form part of the class designation.

(3) If imitation milk is derived from plant material, the word "milk" shall be preceded by the name of the plant concerned and the word "imitation" may be omitted.

(4) The word "process" in the class designation of process cheese and process cheese with added foodstuff may be substituted by the word "processed".

(5) The class designation may be marked in altered word sequence provided, that the altered word sequence does not constitute a misrepresentation, or does not directly or by implication create a misleading impression regarding the quality, nature, origin, class or composition of that dairy product or imitation dairy product concerned.

#### ***Additions to class designation***

27. (1) In the case of reconstituted or recombined milk, the word "reconstituted" or "recombined" shall form part of the class designation.

(2) If a primary product has been obtained from the milk of an animal other than a cow of the bovine specie, the applicable class designation for that product shall be preceded by the name of the specie of the animal concerned.

(3) If a flavouring has been added to a dairy product or an imitation dairy product in order to render a distinctive specific flavour thereto, the class designation for that product shall be preceded by the descriptive name for the distinctive flavour concerned and the expression "X Flavoured", or followed by the expression "with X Flavour" or "with X Flavouring", where "X" indicates the name(s) of the flavouring(s) used unless the flavourant concerned has been added with the intention to enhance the flavour of the fruit or added foodstuff concerned.

- (4) Subject to the provisions of regulation 11 (2), the applicable class designation shall include the actual name of the foodstuff or fruit added if a foodstuff or fruit has been added to a dairy product or imitation dairy product.
- (5) The expression "plain" may form part of the class designation if no foodstuff, fruit or flavouring has been added to a dairy product or imitation dairy product.
- (6) The word "with" in the class designation of a composite dairy product or imitation dairy product may be omitted: Provided that the indication of the class designation is not misleading.
- (7) The words used to describe the texture or appearance e.g. "chunky", "smooth", etc. may form part of the class designation: Provided that such description is not misleading.

**Additional particulars on the main panel**

28. (1) The main panel of a container of a primary dairy product of the type known as dairy powder blend and dairy liquid blend shall be marked with a product description of the product concerned: Provided that --
- (a) such product description shall consist of an indication of the descriptive names of the main dairy ingredients of the product concerned, indicated in descending order of mass; and
  - (b) the letter size of the indication of the descriptive names referred to in paragraph (a) shall not be less than 50 per cent of the size of the class designation.
- (2) (a) If vegetable fat, marine fat and/or animal fat is a constituent of a modified dairy product or an imitation dairy product, the expression "with (name of the fat)" shall immediately follow the class designation in a letter size not less than 50 per cent of the size of the class designation, except in the case where the class designation includes the indication of the added fat.
- (b) The provisions of paragraph (a) above shall also apply in the case where added protein and/or carbohydrates is/are obtained from a source other than a primary dairy product.
- (c) The requirements of sub-regulation (2) shall be indicated in letters of the same colour and font as the class designation.
- (3) If a dairy product or an imitation dairy product has been sweetened, the expression "sweetened" shall be indicated on the main panel of a container thereof in a letter size of at least 2 mm in height for lower case vowels.
- (4) If the types of primary dairy products known as milk and cream have been heat treated, the manner of processing thereof shall be included on the main panel in close proximity to the class designation in a letter size not less than 50 per cent of the size of the class designation.
- (5) The provisions of sub-regulation (4) shall *mutatis mutandis* apply to fermented dairy products if it is subjected to heat treatment after fermentation: Provided that the applicable class designation for the dairy product concerned shall be "heat treated fermented milk" or "heat treated dairy product".
- (6) If the types of primary dairy products known as milk and cream have not been heat treated as contemplated in sub-regulation (4), the applicable class designation for that product shall include the expression "Unpasteurized" or "Raw".
- (7) The expression "long life" may be indicated on the label of commercially sterile dairy products.

(8) The expression "extended shelf life" may be indicated on the container of milk if the milk has been treated in a suitable manner to ensure that all pathogens are destroyed and that the product is not microbiologically degraded when stored unopened at 6-8°C for at least 21 days, excluding UHT and sterilised milk.

(9) The expression "not for baby/infant feeding" shall be indicated on the main panel of the container of imitation dairy products, modified dairy products and that of goat milk in the manner prescribed in the regulations published under the Foodstuffs, Cosmetics and Disinfectants Act, 1972 (Act No. 54 of 1972).

#### **Batch identification**

29. (1) A container of a dairy and imitation dairy product shall be clearly marked with the batch code or batch number in such a way that the specific batch is identifiable and traceable.

#### **Additional particulars on containers**

30. (1) A container of a powdered dairy product or powdered imitation dairy product shall be marked with directions for the reconstitution thereof in order to obtain a final ready-to-use product.

(2) A container of butter of the class known as medium fat butter, and of modified butter of the class known as medium fat modified butter shall be marked with the expression "not suitable for frying (purposes)".

(3) If the fat content of a dairy product or an imitation dairy product is indicated on the container thereof, the indicated fat content of the product concerned shall not differ by more than 15 per cent calculated from the actual fat content thereof.

#### **Restricted particulars on containers and outer containers**

31. (1) Subject to the provisions of sub-regulation (2) --

- (a) no class designation other than the applicable class designation of a dairy product or an imitation dairy product shall, except in the circumstances set out in regulation 28, be marked on a container thereof; and
- (b) no word or expression which so nearly resembles the class designation of a dairy product that it could be misleading with regard to the composition of an imitation dairy product shall be marked on the container of such imitation dairy product.

(2) If the class designation of a dairy product, or a word or expression referred to in sub-regulation (1)(b), forms part of a registered trade mark that has been in use before 20 November 1987, such trade mark may be marked on a container of an imitation dairy product if --

- (a) the registered trade mark is framed clearly on the container of the imitation dairy product concerned; and
  - (b) an abbreviation of the trade mark symbol that is permissible under the Trade Marks Act, 1993 (Act No. 194 of 1993), is marked within such frame.
- (3) (a) No word, mark, illustration, depiction or other method of expression that constitutes a misrepresentation or directly or by implication creates or may create a misleading impression regarding the quality, nature, class, origin or composition of a dairy product or an imitation dairy product shall be marked on a container of such product.

- (b) The provisions of paragraph (a) above shall, in the case of an imitation dairy product of the type known as imitation milk product, not be construed so as to include a prohibition on an illustration or depiction of a drinking glass or glass jug containing a liquid with a white colour.
- (4) No registered trade mark or brand name which may possibly, directly or by implication, be misleading or create a false impression of the contents of a container or outer container containing a dairy product or an imitation dairy product, shall appear on such a container.
- (5) The words "natural", "super", "extra", "pure", "fine" or any other word or expression that directly or by implication creates or may create the impression that a dairy product or an imitation dairy product is of a special or particular quality shall not be marked on the container of such product.
- (6) The words "mature" or "vintage" may be marked on the container of cheese only if such cheese has --
- (a) subject to the requirements in regulation 13 (5), been ripened for the applicable minimum ripening period specified in column 7 of Table 9;
  - (b) after organoleptic evaluation according to the method specified in item 1 of Table 19, attained an average score of at least 4; and
  - (c) broken down sufficiently.
- (7) The words and expressions "choice" and "specially selected" may be marked on the container of a primary dairy product of the type known as cheese and butter only if, after organoleptic evaluation according to the method mentioned in item 1 of Table 19 --
- (a) in the case of cheese with the designation Gouda or Cheddar, it attained an average score of at least 4; or
  - (b) in the case of butter, it attained an average score of at least 3.
- (8) No claim regarding the absence of any substance that does not normally occur in a dairy product or an imitation dairy product shall be marked on the container of such product, except in the cases where the negative claim is allowed for in the regulations published under the Foodstuffs, Cosmetics and Disinfectants Act, 1972 (Act No. 54 of 1972).
- (9) No comparison with or reference to the respective merits or demerits of dairy products against imitation dairy products, whether relevant or not, shall be marked on the container of a dairy product and an imitation dairy product.
- (10) The word "instant" may only be marked on the container of a dairy product if such product, when reconstituted in accordance with the usage instructions thereof, will disperse in water at 20 °C within 60 seconds when stirred.
- (11) The word "fresh" may only be marked on a container of a primary dairy product of the type known as pasteurised, ultra pasteurised and unpasteurised milk or raw milk with no added foodstuff or minerals, and on the container of a primary dairy product of the type known as pasteurised and unpasteurised/raw cream.
- (12) An imitation dairy product labelled as "non-dairy" or "dairy free" shall not contain any dairy ingredients.
- (13) The word "organic" shall not be labelled on a container of dairy product unless the product was produced, processed and handled in compliance with recognised standards and certified by an accredited certification body or authority.
- (14) Subject to the provisions of regulation 11 (2), depictions, illustrations or expressions

which emphasise the presence of the added foodstuff or fruit in a dairy product or imitation dairy product shall only be allowed if the requirements on Quantitative Ingredient Declarations (QUID), as specified in the regulations published under the Foodstuffs, Cosmetics and Disinfects Act, 1972 (Act No. 54 of 1972), have been complied with.

(15) The provisions of this regulation shall *mutatis mutandis* apply to particulars that are marked on --

- (a) an outer container in which one or more separate containers of a dairy product or an imitation dairy product is packed;
- (b) a notice board displayed at or in the immediate vicinity of a dairy product or an imitation dairy product that is kept or displayed for sale; and
- (c) all advertisements for dairy and imitation dairy products.

### ***Inspection and sampling***

32. (1) An inspector may in any consignment of dairy products or imitation dairy products open as many containers and inspect the contents thereof and remove samples of such contents for the purpose of further inspection or analysis, as he or she may deem necessary.

(2) An inspector shall satisfy himself or herself that the samples so extracted are representative of the product in the consignment concerned.

(3) The methods to be employed and the procedure to be followed when a sample of a dairy product or an imitation dairy product is taken with a view to an analysis referred to in regulation 33 shall be as set out in the latest version of *ISO 707/IDF 050: "Milk and Milk products – Guidance on sampling"* and in *ISO 5538/IDF 113: Milk and milk products - Sampling – Inspection by attributes*, both published jointly by ISO, Case postale 56, CH-1211 Geneva 20, Switzerland and IDF Central Secretariat, Diamant Building, Boulevard Auguste Reyers 80, 1030 Brussels, Belgium.

### ***Methods of analysis***

33. The methods to be employed and the procedure to be followed in connection with the determination of a property specified in column 1 of Table 19, of a dairy product or an imitation dairy product shall be as set out in the publication of the Central Secretariat, International Dairy Federation, Brussels, Belgium, the number, year of publication and title of which are respectively specified in columns 2, 3 and 4 of the said table opposite thereto (these methods are published as joint IDF/ISO Standards and are also available from ISO) or any other method which is accepted and approved by ISO and the CODEX Alimentarius.

**TABLE 19  
METHODS OF ANALYSIS**

Nature of determination	No. of publication	Date issued	Title
1	2	3	4
1. Organoleptic (sensory) evaluation	ISO 2935 IDF 099 Parts 1, 2 & 3	2009	Milk and milk products - Sensory analysis
2. Fat content	ISO 1211 IDF 001	2010	Milk - Determination of fat content - Gravimetric method (Reference method)
	ISO 1735 IDF 005	2004	Cheese and processed cheese products - Determination of fat content - Gravimetric method (Reference method)
	ISO 1736 IDF 009	2008	Dried milk and dried milk products - Determination of fat content - Gravimetric method (Reference method)
	ISO 1737 IDF 013	2008	Evaporated milk and sweetened condensed milk - Determination of fat content - Gravimetric method (Reference method)
	ISO 2450 IDF 016	2008	Cream - Determination of fat content - Gravimetric method (Reference method)
	ISO 7208 IDF 022	2008	Skimmed milk, whey and buttermilk - Determination of fat content - Gravimetric method (Reference method)
	ISO 488 IDF 105	2008	Milk - Determination of fat content - Gerber butyrometers
3. Milk protein content	ISO 8968-1 IDF 20-1	2001	Milk - Determination of nitrogen content - Part 1: Kjeldahl method (including calculation of crude protein content)
	ISO 8968-2 IDF 20-2	2001	Milk - Determination of nitrogen content - Part 2: Block-digestion method (Macro method) (including calculation of crude protein content)
	ISO 8968-3 IDF 20-3	2004	Milk - Determination of nitrogen content - Part 3: Block-digestion method (Semi-micro rapid routine method) (including calculation of crude protein content)
4. Total solids	ISO 5534 IDF 004	2004	Cheese and processed cheese - Determination of the total solids content (Reference method)
	IDF 15B	2010	Sweetened condensed milk - Determination of the total solids content (Reference method)
	IDF 21B	2010	Milk, cream and evaporated milk - Determination of total solids content (Reference method)
5. Moisture content	ISO 5536 IDF 023	2009	Milkfat products - Determination of water content - Karl Fisher method
	ISO 5537 IDF 026	2004	Dried milk - Determination of moisture content (Reference method)
	ISO 8851-1 IDF 191-1	2004	Butter - Determination of moisture, non-fat solids and fat contents (Routine methods) - Part 1: Determination of moisture content
6. Freezing point	ISO 5764 IDF 108	2009	Milk - Determination of freezing point - Thermistor cryoscope method (Reference)

Nature of determination	No. of publication	Date issued	Title
1	2	3	4
			method)
7. Salt content	ISO 1738 IDF 012	2004	Butter - Determination of the salt content
	ISO 5943 IDF 088	2006	Cheese and processed cheese products - Determination of chloride content - Potentiometric titration method
8. Moisture, solids-not-fat and fat content (butter only)	ISO 3727-1 IDF 080-1	2001	Butter - Determination of moisture, non-fat solids and fat contents –
	ISO 3727-2 IDF 080-2	2001	Part 1: Determination of moisture content (Reference method)
	ISO 3727-3 IDF 080-3	2003	Part 2: Determination of non-fat solids content (Reference method) Part 3: Calculation of fat content
9. Dispersibility and wettability	IDF 87	1979	Instant dried milk - Determination of the dispersibility and wettability
10. Lactoperoxidase	ISO/TS 17193 IDF 208	2011	Determination of the lactoperoxidase activity - Photometric method (Reference method)
11. $\beta$ -Lactoglobulin	ISO 13875 IDF 178	2005	Determination of acid-soluble beta-lactoglobulin content - Reverse-phase HPLC method

#### **Offences and penalties**

34. 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 to a fine or to imprisonment in accordance with section 11 of the Act.