

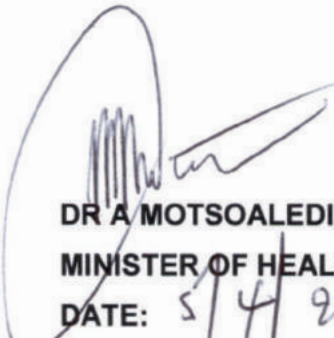
DEPARTMENT OF HEALTH

NO. 588

15 JUNE 2018

**FOODSTUFFS, COSMETICS AND DISINFECTANTS ACT, 1972
(ACT NO. 54 OF 1972)****REGULATIONS RELATING TO MAXIMUM LEVELS OF METALS IN
FOODSTUFFS**

The Minister of Health has, in terms of section 15 (1) of the Foodstuffs, Cosmetics and Disinfectants Act, 1972 (Act No. 54 of 1972), made the Regulations set out in the Schedule.



DR A MOTSOALEDI, MP
MINISTER OF HEALTH
DATE: 5/4/2018

SCHEDULE

1. Definitions

In these Regulations a word or expression defined in the Act bears the meaning so assigned and, unless the context otherwise indicates –

"Berries and other small fruits" means food derived from a variety of perennial plants and shrubs having fruit characterized by a high surface: weight ratio. Examples include, Agritos; Amur river grape; Arguta kiwifruit; Aronia berries; Bayberries; Bearberry; Bilberry; Bilberry, Bog; Bilberry, Red; Blackberries; Blueberries; Buffaloberry; Buffalo currant; Che; Chilean guava; Cloudberry; Cranberry; Currants, Black, Red, White; Dewberries; Elderberries; European barberry; Guelder rose; Gooseberry; Grapes; Huckleberries; Jostaberries; Juneberries; Mulberries; Muntries; Native currant; Partridge berry; Phalsa; Raspberries, Red, Black; Ribberries; Rose hips; Salal; Schisandraberry; Sea buckthorn; Service berries; Silverberry, Russian; Strawberry; Strawberries, Wild; Table grapes; Vaccinium berries and Wine grapes;

"bulb vegetables " means pungent highly flavoured foods derived from fleshy scale bulbs (in some commodities including stem and leaves), of the genus Allium. Examples include; garlic, onion, carosella, chives, shallots, leek, fennel, kurrat and rakkyo;

"brassica vegetables " means foods derived from the leafy heads, stems and immature inflorescences of plants belonging to the genus Brassica of the family Cruciferaeh. Examples include brussels sprouts, broccoli, cabbage, kailan, kohlrabi, cauliflower, pakchoi and collards;

"cereal grains" means foods derived from the ears (heads) of starchy seeds produced by a variety of plants, primarily of the grass family (Gramineae) and includes Buckwheat and *Chenopodium*;

"fish" means all aquatic vertebrates of the super class, *Osteichthyes*, unless otherwise specified;

"fruiting vegetables " means plants of the gourd family "*Cucurbitaceae*". Examples include melons, musk melons, butternuts, cantaloupes, watermelon, pumpkins, squashes (including summer and winter squash), patty pans, gourds, zucchini, cucumbers and gherkins, unless otherwise stated;

"leafy vegetables" means. foods derived from the leaves of a wide variety of edible plants, usually annuals or biennials. Examples include spinach, endive, celery, fennel, parsley, lettuce, rhubarb, Swiss chard, mustard and rape, unless otherwise stated;

"legumes" means foods derived from the succulent seed and immature pods of leguminous plants commonly known as beans and peas;

"maximum level (ML)" means the maximum concentration of a substance permitted based on the edible content of the foodstuff, i.e. that part of the foodstuff that is normally consumed;

"metal" includes any chemical form of that metal;

"pulses" means foods derived from the mature, naturally or artificially dried seeds, of leguminous plants known as dry beans and dry peas;

"root and tuber vegetables" means foods derived from starchy enlarged solid roots, tubers, corms or rhizomes, mostly subterranean, of various species of

plants, mostly annuals Examples include artichoke, parsnips, sugar beet, garden beet, beetroot, yams, turnips, potatoes, sweet potatoes, cassava, garden radish, radishes, horseradish and chicory;

"stalk and stem vegetables" are the edible stalks, leaf stems or immature shoots, from a variety of annual or perennial plants, and includes globe artichoke (the immature flowerhead) of the family *Compositae*. Examples include witloof chicory (sprouts), artichoke- globe, asparagus, bamboo shoots, cardoon, celery, celtuce, palm hearts, rhubarb; and

"the Act" means the Foodstuffs, Cosmetics and Disinfectants Act, 1972 (Act No. 54 of 1972).

2. General Provisions

(1) (a) For the purpose of section 2(1)(b)(i) of the Act, foodstuff listed in column II of Table 1 of Annexure A is hereby deemed to be contaminated, impure, or is deemed to be harmful or injurious to human health, if it contains the metal in column I in amounts exceeding the corresponding level in column III when measured using accredited analytical methods.

(b) Other internationally ratified methods can be used as alternative or complementary methods, provided that their implementation provides an equivalent level of public health protection.

(2) A person may not sell a foodstuff with levels that exceed the maximum level of metals prescribed by these Regulations, unless stipulated otherwise in other relevant regulations.

(3) The foodstuffs listed in column II of Annexure A shall include foodstuff as defined in the relevant Codex commodity standards or the National Regulator for Compulsory Specifications Act, 2008 (Act No. 5 of 2008), Marine Living Resources Act 1998 (Act No 18 of 1998), the Agricultural Products Standards Act, 119 (Act 119 of 1990) and the applicable Regulations.
unless otherwise specified.

3. Repeal

(1) These Regulations repeal the following Regulations on the day that these Regulations come into operation:

- (a) The Regulations Relating to Maximum Levels of Metals in Foodstuffs published under Government Notice No. R. 500 of 30 April 2004, as amended by Government Notice No. R. 545 of 23 May 2008, and
- (b) The Regulations Regarding Food and Water Vessels published under Government Notice No. 1575 of 10 September 1971.

4. Commencement

(1) These Regulations shall come into operation three months after the date of publication.

ANNEXURE A

Table 1: Maximum Levels for Metals in Foodstuffs

Metal	Foodstuff	ML (mg/kg or mg/l)
Arsenic, Total (As-tot)	Edible fats and oils	0.10
	Fat spreads and blended spreads	0.10
	Natural mineral water	0.01
	Salt, food grade	0.50
	Rice, husked*	0.35
	Rice, polished shed *	0.20
Arsenic, Inorganic (As-in)	Rice, polished (*Follow up analysis if the As-tot exceed the ML)	0.20
	Rice, husked (*Follow up analysis if the As-tot exceed the ML)	0.35
Cadmium (Cd)	Brassica vegetables	0.05
	Bulb vegetables	0.05
	Fruiting vegetables (Excluding tomatoes & edible fungi)	0.05
	Leafy vegetables	0.2
	Legume vegetables	0.1
	Pulses (Excluding soya bean (dry))	0.1
	Root and tuber vegetables (Excluding celeriac)	0.1

Metal	Foodstuff	ML (mg/kg or mg/l)
	Stalk and stem vegetables	0.1
	Cereal grains (Excluding buckwheat, canihua, quinoa, wheat & rice)	0.1
	Wheat (wheat, durum wheat, spelt and emmer)	0.2
	Rice, polished	0.4
	Marine bivalve molluscs - Clams, cockles and mussels (Excluding oysters and scallops. Without viscera & shell)	2.0
	Cephalopods -Cuttlefishes, octopuses and squids (Without viscera & shell)	2.0
	Natural mineral water	0.003
	Salt, food grade	0.5
Lead (Pb)	Berries and other small fruits (Excluding cranberry, currant and elderberry)	0.1
	Cranberry, currant and elderberry	0.2
	Fruits, except berries and other small fruits (After removal of stem, cap, stone, crown and/or seeds but calculated on whole fruit)	0.1
	Brassica vegetables	0.1
	Bulb vegetables	0.1
	Fruiting vegetables(Excluding fungi and mushrooms)	0.05
	Leafy vegetables	0.3
	Legume vegetables	0.1

Metal	Foodstuff	ML (mg/kg or mg/l)
Lead (Pb)	Pulses	0.1
	Root and tuber vegetables	0.1
	Canned fruits	0.1
	Jams, jellies and marmalades	0.4
	Mango chutney	1.0
	Canned vegetables (Excluding canned brassica vegetables)	0.1
	Preserved tomatoes	0.05
	Table olives	0.4
	Pickled cucumbers	0.1
	Processed tomato concentrates	1.5
	Fruit juices, nectars and ready-to-drink fruit drinks/juices (Excluding juices and nectars from berries and small fruits and passion fruit juices)	0.03
	Cereal grains(Excluding buckwheat, canihua, & quinoa)	0.2
	Canned chestnuts and canned chestnuts purée	0.05
	Meat and fat of cattle, pigs and sheep (without bones)	0.1
	Meat and fat of poultry(without bones)	0.1
Cattle, Edible offal of	0.5	


Metal	Foodstuff	ML (mg/kg or mg/l)
Lead (Pb)	Pig, Edible offal of	0.5
	Poultry, Edible offal of	0.5
	Fish (whole commodity or portions, without the viscera).	0.3
	Edible fats and oil	0.1
	Fat spreads and blended spreads	0.1
	Natural mineral waters	0.01
	Milk	0.02
	Secondary milk products (Products made from milk)	0.02
	Infant formula, formula for special medical purposes intended for infants and follow-up formula	0.01
	Salt, food grade	2.0
Wine	0.2	
Mercury (Hg)	Natural mineral waters	0.001
	Salt, food grade	0.1
Methylmercury	Fish (whole commodity or portions, without the viscera; Except predatory fish).	0.5
	Predatory fish- Such as shark, swordfish, tuna, pike & others. (Whole commodity or portions, without the viscera).	1.0
Tin (Sn)	Canned foods, excluding beverages (Excluding non-tinplate canned cooked cured chopped meat, cooked ham, cooked cured pork shoulder, corned beef and	250

Metal	Foodstuff	ML (mg/kg or mg/l)
Tin (Sn)	luncheon meat)	
	Canned beverages	150
	Cooked cured chopped meat (Applies to products in containers other than tinfoil containers)	50
	Cooked cured ham (Applies to products in containers other than tinfoil containers)	50
	Cooked cured pork shoulder (Applies to products in containers other than tinfoil containers)	50
	Corned beef (Applies to products in containers other than tinfoil containers)	50
	Luncheon meat (Applies to products in containers other than tinfoil containers)	50

KGORO YA MAPHELO

No. R.**2018****FOODSTUFFS, COSMETICS AND DISINFECTANTS ACT, 1972
(MOLAO. 54 WA 1972)****MELAWANA YE MALEBANA LE PALOGIDIMO YA DIMETHALE GARE GA
DIJO**

Tona ya Maphelo, go ya ka karolo 15 (1) ya *Foodstuffs, Cosmetics and Disinfectants Act, 1972* (Molao 54 wa 1972), o dirile Melawana yeo e hlalošitšwego Šetuleng.



**NGAKA A MOTSOALEDI, MP
TONA YA MAPHELO
LETŠATŠIKGWEDI:**

ŠETULE

1. Dihlalošo

Mo Melawaneng ye, ntle le ge lentšu goba mmolelwana o na le hlalošo yeo e neilwego Molaong, ntle le ge tshwaraganyo e laetša ka tsela ye nngwe–

"Maropotlane/berries le dienywa" E ra dijo tšeo di hwetšwago dibjalong tša botelele bja mengwaga ye mebedi le mehlare yeo e nago le bokima: rašio ya boima. Mehlala e akaretša, *Agritos; Amur river grape; Arguta kiwifruit; Aronia berries; Bayberries; Bearberry; Bilberry; Bilberry, Bog; Bilberry, Red; Blackberries; Blueberries; Buffaloberry; Buffalo currant; Che; Chilean guava; Cloudberry; Cranberry; Currants, Black, Red, White; Dewberries; Elderberries; European barberry; Guelder rose; Gooseberry; Grapes; Huckleberries; Jostaberries; Juneberries; Mulberries; Muntries; Native currant; Partridge berry; Phalsa; Raspberries, Red, Black; Riberies; Rose hips; Salal; Schisandraberry; Sea buckthorn; Service berries; Silverberry, Russian; Strawberry; Strawberries, Wild; Table grapes; Vaccinium berries le Wine grapes;*

"merogo ya digwere" e ra moahlodi wo tseneletšego wa dijo wo o hwetšwago digwereng (dikabong tše dingwe go akaretšwa kutu le matlakala) a *genus Allium*. Mehlala e akaretša; konofole, eie, karosela, tšaeefe, dišalote, liki, fenele, kurate le *rakkyo*;

"merogo ya brassika" e ra dijo tšeo di tšwago matlakaleng, dikutung le diinfloentshe tša dibjalo tša mohuta wa Brassika tša lapa la Kruciferaeh. Mehlala e akaretša seporaoto, porokholi, khabetšhe, kaelane, kholifolawa, phakhoi le kholatse;

"mabele a sirele" e ra dijo tšeo di hwetšwago ditsebaneng goba (dihlogwaneng) tša Dipeu tša setatšhe tšeo di tšweletšwago ke dibjalo tša mohutahuta, gagolo tša bjang (Kraminae) mme di akaretša korong ya paka le *Chenopodium*;

"hlapi" e ra diphedi tša meetse tša go ba le marapo a mokokotlo tša maemo a godimo, *Osteichthyes*, ntle le ge go hlalošitšwe tša tsela ye nngwe;

"merogo ya dienywa" e ra Dibjalwa tša lapa la *gourd "Cucurbitaceae"*. Mehlala e akaretša dipansepeke, maputse, dikhantheloupo, magapu, marotse, dikwaše, diphathi pene, *gourds*, sakutšhi, komkomoro le dikekking, ntle le ge go hlalošitšwe;

"merogo ya matlakala" e ra dijo tšeo di tšwago matlakaleng a bontšhi bja Dibjalwa tše di jewago, gantšhi ka ngwaga le ngwaga goba ga bedi mongwageng. Mehlala e akaretša sepinatšhe, entaeefe, seleri, fenele, phaseli, lethese, rugabo, tšhate, mastete le rabe, ntle le ge go hlalošitšwe ka tsela ye nngwe;

"dinawa" di ra dijo tšeo di tšwago go dinawa le dinawa tšeo di sego di golo tšeo di tsejwago bjalo ka dinawa le diphotla;

"maemogodimo (ML)" a ra kopanyo ya selo seo se dumeletšwego go ba gona dijong, i.e karolwana yela ya dijo yeo e jewago;

"methale" e akaretša khemikhale efe goba efe ya methale yeo;

"diphalse" di ra dijo tšeo di hwetšwago dipeung tša kgale, hlago, goba tšeo di omišitšwego le diphotla tše di omilego;

"merogo ya medu le thubara" e ra dijo tšeo di tšwago medung ya setatšhe yeo e godišitšwego, dithubara, mahea, goba dirisome, gagolo tša sapothereniene, tša mehutahuta ya dibjalo gagolo tša ngwaga, Mehlala e akaretša artchoke,

phasnipi, peterute ya swikiri, peterute ya serapa, diyamo, diphunepe, matapole, maputse, kasaba, rediše ya serapa, *horseradish* le tšikhori;

"merogo ya matlakala le dikutu" e matlakala ao a jewago, dikutu tša matlakala goba yeo e sa golago gotšwa dibjalong tše ntšhi, mme e akaretša artichoke (hlogoletšoba yeo e sa golago) ya lapa la *Compositae*. Mehlala e akaretša *witloof chicory* (diporaoto), *artichoke-globe*, asparakase, dimela tša *bamboo*, kardoon, seleri, selthisi, dipelwana tša phalomo, ruhabo; mme

Molao " o ra Molao wa Dilo tšeo di lego dijong, Dikhosmethiki le Dibolayatwatši wa 1972 (Molao 54 wa 1972).

2. Diphethagaletšo Kakaretšo

(1) (a) Bakeng sa mohola wa karolo 2(1)(b)(i) ya Molao, dilo tšeo di lego dijong tšeo di ngwadilwego go kholomo II ya Lenaneo 1 la Selomaganyo A e a bonwa bjalo ka yeo e lego kotsi goba ya kgobatšo maphelong a batho, ge di na le methale go kholomo I bja bontšhi bjoo bo fetago tekanyetšo go kholomo III ge bo lekanyetšwa go dirišwa mekgwa yeo e netefaditšwego.

(b) Mekgwa ye mengwe yeo e thekgilwego maemong a boditšhabatšhaba e ka dirišwa boemong bja ye nngwe goba gammogo le yona, ge fela tsenyotirišong e phethagaletša maemo a swanago a tšhireletšo ya maphelo a setšhaba. .

(2) Motho a ka se rekiše dijo tšeo di nago le maemo a methale ao a bogodimo bja go feta ao a beilwego ke Melawana ye, ntle le ge go laeditšwe melawaneng ye mengwe.

(3) Dijo tšeo di laetšwego go kholomo II ya Selomaganyo A e di tla akaretša dijo bjalo ka ge go hlalošitšwe go Sengwalong se malebana sa maemo goba Molaodi wa Bosetšhaba wa *Compulsory Specifications Act, 2008* (Molao 5 wa 2008), *Marine Living Resources Act 1998* (Molao 18 wa 1998), le *Agricultural Products Standards Act, 119* (Molao 119 wa 1990) le Melawana ye e šomago, ntle le ge go hlalošitšwe ka tsela ye nngwe.

3. Phumolo

(1) Melawana ye e phumola Melawana ye e latelago ka letšatši leo Melawana ye e thomago go šoma:

- (a) Melawana ye malebana le Bogodimo bja Dimethale Dijong yeo e gatišitšwego ka tlase ga Tsebišo ya Mmušo ya bo R. 500 ya 30 Aporele 2004, bjalo ka ge e fetošitšwe ka Tsebišo ya Mmušo ya bo R. 545 ya 23 Mei 2008, mme
- (b) Melawana ye malebana le Didirišwa tša Dijo le Meetse yeo e gatišitšwego ka tlase ga Tsebišo ya Mmušo ya bo 1575 ya 10 Setemere 1971.

4. Go thoma go šoma

(1) Melawana ye e tla thoma go šoma mo dikgweding tše tharo morago ga letšatšikgwedi la kgatišo ya Melawana ya mafelelo.

SELOMAGANYO A

Lenaneo 1: Bogodimo bja Dimethale dijong

Methale	Dijo	ML (mg/kg goba mg/l)
<i>Arsenic, Palomoka, (As-tot)</i>	Makhura ao a jewago le oli	0.10
	Ditlodi tša makhura le ditlodi tše kopantšwego	0.10
	Meetse a hlago a diminerae	0.01
	Letswai, maemo a dijo	0.50
	Reise, ya haseke*	0.35
	Reise, yeo phumotšwego*	0.20
<i>Arsenic, Inorganic (As-in)</i>	Reise, yeo e phumotšwego (*Phetleko ya ka morago ge <i>As-tot</i> e fetile ML)	0.20
	Reise, ya haseke (*Phetleko ya ka morago ge <i>As-tot</i> e fetile ML)	0.35
<i>Cadmium (Cd)</i>	Merogo ya Brassika	0.05
	Merogo ya mehlodi?	0.05
	Merogo ya dienywa (Go kgethollwa ditamati le fungi yeo e jewago)	0.05
	Merolo ya matlakala	0.2
	Merogo ya dinawa	0.1
	Diphalse (Go kgethollwa nawa ya soya (omile))	0.1
	Merogo ya medu le thubara (Go kgethollwa seleriki)	0.1

Methale	Dijo	ML (mg/kg goba mg/l)
	Merogo ya Matlakala le Dikutu	0.1
	Sirele le mabele (Go kgethollwa korong, kanihua, khuinoa, korong le reise)	0.1
	Korong (korong, korong ya turang, spele le emere)	0.2
	Reise, phumotšwego	0.4
	<i>Marine bivalve molluscs - Clams, cockles</i> ledimasele (Go kgethollwa dikgetla le disekalopo. Ntle le bisera le šele)	2.0
	<i>Cephalopods - Cuttlefishes</i> , okthopase le disekwiti (Ntle le bisera le šele)	2.0
	Meetse a hlago a diminerae	0.003
	Letswai, maemo a dijo	0.5
Lead (Pb)	Maropotlane le dienywa tše dingwe tše nnyenyane (Go kgethollwa kreneperi, kharente le <i>elderberry</i>)	0.1
	Kreneperi, kharente le <i>elderberry</i>	0.2
	Dienywa, go kgethollwa maropotlane le dienywa tše dingwe tše nnyenyane (Morago ga go tloša kutu, khepe, leswika, kraone le goba Dipeu efela go badilwe ka dienywa ka botlalo)	0.1
	Merogo ya Brassika	0.1
	Merogo ya Mehloidi	0.1
	Merogo ya dienywa (Go kgethollwa fungi le mašrumu)	0.05
	Merogo ya matlakala	0.3

Methale	Dijo	ML (mg/kg goba mg/l)
Lead (Pb)	Merogo ya dinawa	0.1
	Dipulse	0.1
	Merogo ya medu le <i>tuber</i>	0.1
	Dienywa tša thini	0.1
	Ditšeme, ditšeli le dimamaleite	0.4
	Tšhatni ya manko	1.0
	Merogo ya thini (Go kgethollwa merogo ya brassika ya thini)	0.1
	Ditamati tšeo di bolokilwego gore di se bole	0.05
	Diolifi tša tafole	0.4
	Dikomkomoro tša phikele	0.1
	Sopo ya ditamati tšeo di bolokilwego	1.5
	Todi ya dienywa, dinekhara le ditodi tšeo di ka nnewago (go kgethollwa ditodi le dinekhara tša gotšwa maropotlaneng le dienywa tše nnyenyane le ditodi tša dienywa tša <i>passion fruit</i>)	0.03
	Mabele a sirele(Go kgethollwa korong, kanihua le khwinoa)	0.2
	Ditšhesenate tša ka thining le <i>purée</i> ya tšhesenate	0.05
	Nama le makhura a kgomo, kolobe le nku (ntle le marapo)	0.1
Nama le makhura a dikgogo (Ntle le marapo)	0.1	

Methale	Dijo	ML (mg/kg goba mg/l)
<i>Lead (Pb)</i>	Kgomo, ofale yeo e jewago ya	0.5
	Kolobe, E ofale yeo e jewago ya	0.5
	Dikgogo, ofale yeo e jewago ya	0.5
	Hlapi(tšweletšo ka moka goba dikarolwana, ntle le bisera).	0.3
	Makhura le oli yeo e jewago	0.1
	Ditlolwa tša makhura le ditlolwa tše di kopantšwego	0.1
	Meetse a hlago a diminerale	0.01
	Maswi	0.02
	Ditšweletšwa tša gotšwa maswing (Ditšweletšwa tše di dirilwego ka maswi)	0.02
	Maswi a masea, maswi a mohola wo kgethegilego wa maikemišetšo a bana le maswi a bana	0.01
	Letswai, legoro la dijo	2.0
	Morara	0.2
<i>Mercury (Hg)</i>	Meetse a hlago a dimenerale	0.001
	Letswai, legoro la dijo	0.1
<i>Methylmercury</i>	Hlapi (dikarolo tša tšweletšo goba ntle le bisera; Ntle le hlapi yeo e phelago ka go ja tše dingwe).	0.5
	Hlapi yeo e phelago ka go ja tše dingwe go swana le šaka, hlapisoto, tšhuna, phaeke le tše dingwe. (Tirelo ka moka goba dikarolo, ntle le biresa).	1.0