GOVERNMENT NOTICE
GOEWERMENTSKENNISGEWING

DEPARTMENT OF HEALTH
DEPARTEMENT VAN GESONDHEID

No. R. 733 **10 September 2012**

FOODSTUFFS, COSMETICS AND DISINFECTANTS ACT, 1972
(ACT NO. 54 OF 1972)

REGULATIONS RELATING TO THE USE OF SWEETENERS 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 in the Schedule.

SCHEDULE

Definitions

1. In these regulations "**the Act**" shall mean the Foodstuffs, Cosmetics and Disinfectants Act, 1972 (Act No. 54 of 1972), and any expression to which a meaning has been assigned in the Act shall bear such meaning and, unless the context otherwise indicates -

"Good Manufacturing Practice" (GMP)" means that:

a) The quantity of the additive added to food shall be limited to the lowest possible level necessary to accomplish its desired effect;
b) The quantity of the additive that becomes a component of food as a result of its use in the manufacturing, processing or packaging of a food and which is not intended to accomplish any physical, or other technical effect in the food itself, is reduced to the extent reasonably possible; and,
c) The additive is of appropriate food grade quality and is prepared and handled in the same way as a food ingredient;

"maximum permitted level" means the maximum amount of a sweetener which may be present in the food as stipulated in the General Standard for Food Additives (GSFA) of the Codex Alimentarius Commission, unless otherwise stated, and which the amounts apply to ready-to-eat foodstuffs only;

"non-nutritive sweetener" means a sweetener or a mixture of non-nutritive sweeteners, of which the level of sweetening equals 5 g of sucrose and does not have an energy value of more than 8 kJ;

"Polyol" means an alcohol containing multiple hydroxyl groups;

"permitted sweeteners" means any substance listed as a sweetener in the General Standard for Food Additives (GSFA) of the Codex Alimentarius Commission, or a mixture of two or more thereof;

"sweetener" means any food additive which is used or intended to be used-

(a) To impart a sweet taste to foodstuffs; or
(b) To be added to a foodstuff as a table-top sweetener.

Requirements for the use of sweeteners in foodstuffs

2. For the purposes of section 2(1)a)(iii) of the Act, to the extent that it is applied and applicable to foodstuffs, a sweetener shall at all times conform with the applicable Specifications of Identity and Purity recommended by the Codex Alimentarius Commission or, in the absence of such specifications, with appropriate specifications developed by reputable national or international bodies. In terms of safety, food grade quality is achieved by conformance of sweeteners to their specifications as a whole (not merely with individual criteria) and through their production, storage, transport, and handling in accordance with GMP.

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

4. A list of permissible sweeteners referred to in regulation 3, is available from the Directorate: Food Control, or on the website of the Department of Health at: www.doh.gov.za.

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

6. The food category descriptors within the Food Category System of the General Standard for Food Additives (GSFA) as stipulated for assigning food additive uses in these Regulations apply to all foodstuffs; provided that it should not be applied for the purposes of legal product designations, nor are they intended for labelling purposes.

7. Non-nutritive sweeteners may not be used in foods intended for infants and young children, including foods intended for infants and young children that are not in good health, unless stipulated otherwise.

Labelling requirements

8. Subject to the provisions of Section 3 of the Act and the Regulations Relating to the Labelling and Advertising of Foodstuffs published in Government Notice No.R.146 of 1 March 2010, as amended, the following shall be indicated on the label of a foodstuff regarding the presence of a sweetener:

a. In the case of a mixed, compounded or blended foodstuff-

   i. sweeteners shall be indicated by its common name in the list of ingredients, provided that in the case of a non-nutritive sweetener, the words "non-nutritive sweetener" shall appear in brackets immediately following the name of the sweetener; or the words “non-nutritive sweetener“ followed by a semi-colon and the name of the non-nutritive sweetener; and
   ii. in the case of the sweetener steviol glycosides, it shall be described as "Steviol Glycosides", or "Steviol Extract";

b. A foodstuff containing sugar alcohols or polyols, singly or in combination, in excess of 50g/kg of the final product shall be labelled with the expression “excessive consumption may have a laxative effect”; provided that for sugar-free chewing gum the statement is required if the sugar alcohol content of the product exceeds 250g/kg; and

c. A foodstuff containing aspartame and aspartame-acesulfame salt must bear:

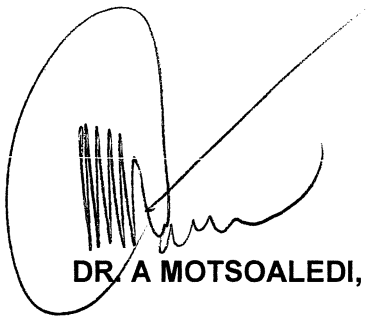
   i. the word “aspartame” or aspartame-acesulfame salt in the list of ingredients followed by an asterisk; and
   ii. an asterisk shall appear on a separate line directly below the list of ingredients followed by the words: “Contains phenylalanine” OR “Phenylketonurics: contains a source of phenylalanine”.

Repeal

8. The Regulations published under Government Notice No. R.3128 of 20 December 1991 as amended by Government Notice No. R.662 of 28 February 1992; Government Notice No. R.2064 of 2 December 1994; Government Notice No. R.1568 of 28 November 1997; and Government Notice No. R.125 of 8 February 2008, are hereby repealed.

Commencement

9. These regulations shall come into operation six (6) months after the date of publication and will apply to foodstuffs manufactured or prepared from such date.



DR. A MOTSOALEDI, MP

MINISTER OF HEALTH