

# GOVERNMENT NOTICE GOEWERMENTSKENNISGEWING

## DEPARTMENT OF AGRICULTURE DEPARTEMENT VAN LANDBOU

No. R. 135

18 February 2005

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

### REGULATIONS RELATING TO THE GRADING, PACKING AND MARKING OF CANNED FRUIT INTENDED FOR SALE IN THE REPUBLIC OF SOUTH AFRICA

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

- (a) made the regulations in the Schedule;
- (b) determined that the said regulations shall come into operation three months after date of publication; and
- (c) read together with section 3(2) of the said Act, repealed the regulations published by Proclamations Nos. R. 238 of 22 October 1971, R. 1895 of 22 October 1971 and R. 72 of 2 March 1973 in so far as it relates to canned fruit, and Part II and III of Government Notice No. R. 1898 of 22 October 1971 as well as Government Notice No. R. 1079 of 25 June 1976, as amended by Government Notices Nos. R. 954 of 12 May 1978, R. 2593 of 29 December 1978, R. 607 of 28 March 1980, R. 1327 of 9 July 1982, R. 991 of 13 May 1983 and R. 1867 of 24 August 1984.

#### SCHEDULE

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### **Definitions**

1. In these regulations, unless inconsistent with the text, any word or expression to which a meaning has been assigned in the Act, shall have a corresponding meaning, and –

"A2½" means a container with a capacity of 853 ml;

"A10" means a container with a capacity of 3 090 ml;

"**address**" means an address in the Republic of South Africa which includes the street or road number (if a number has been allotted), the name of the street or road and the name of the town, village or suburb and, in the case of a farm, the name of the farm and of the magisterial district in which it is situated and, in the case of imported canned fruit, the address of the manufacturer, supplier or importer;

"**blemishes**" means scab, surface spots, hail marks or other discolouration on the surface of the fruit, which detrimentally affects the general appearance of any particular unit;

"**canned fruit**" means commercially sterile fruit in hermetically sealed containers;

"**commercially sterile**" means the conditions achieved by application of heat, sufficient alone or in combination with other appropriate treatments, to render the fruit free from micro-organism capable of growing in food at normal non-refrigerated conditions at which the fruit are likely to be held during distribution, storage and display;

"**consignment**" means a quantity of canned fruit of the same kind which is delivered at any one time under cover of the same delivery note or receipt note, or which is delivered by the same vehicle, or if such a quantity is subdivided into different production groups, grades or packing sizes, each quantity of each of the different production groups, grades or packing sizes;

"**container**" means the immediate container which is manufactured from any suitable material into which canned fruit are packed for final sale;

"**contents**" means everything that is contained in a container;

"**cut out syrup**" means liquid which passes through the sieve when the drained mass of the contents of the container is determined;

"**defects**" with regard to canned fruit, means –

- (a) injury caused by mechanical damage;
- (b) discolouration;
- (c) insect infestation;
- (d) injury of a pathological nature;
- (e) imperfections due to inadequate workmanship;
- (f) foreign or poor taste and odours; or
- (g) cloudy syrup or darkened natural juice;

"**degrees Brix**" or "**°Brix**" means the percentage by mass of sucrose in the cut-out syrup, and which, for the purpose of these regulations, is taken to be equal to the total percentage soluble solids as determined by means of a refractometer corrected to 20°C;

"**diameter**" with regard to canned fruit, means the largest diameter measured at right angles to the longitudinal axis of the canned fruit as the case may be, unless otherwise indicated;

"**drained mass**" means the mass, in grams, of the drained contents of a container of canned fruit, determined as prescribed in the methods of inspection;

"**extraneous vegetable matter**" means any harmless part of a plant not normally present in the canned fruit;

"**foreign matter**" means any material not normally present in, on or between the canned fruit;

"**fully grown**" means that the fruit concerned, when harvested, has reached a stage of development that will ensure the proper completion of the ripening process;

"**hermetically sealed containers**" means containers which are sealed to protect the contents against the entry of micro-organisms during and after heat processing;

"**ingoinq mass**" means the mass of fruit, in grams, packed in the container prior to processing;

"**inspector**" means the executive officer or an officer under his or her control, or an assignee or an employee of an assignee;

"**juice**" means natural fruit juice;

"**main panel**" means that part of the container which is in the same field of vision as the trademark, trade name or brand name displayed the most prominent and any other part of the containers bearing the trademark, trade name or brand in equal prominence;

"**manufacturer**" means any establishment which process fruit to produce canned fruit;

"**microbiological spoilage**" means spoilage of a microbiological nature, determined as prescribed in the methods of inspection;

"**nutritive sweeteners**" means any substance having greater than two percent caloric value of sugars per equivalent unit of sweetening capacity (°Brix), as permitted by the Foodstuffs, Cosmetics and Disinfectants Act, 1972 (Act No. 54 of 1972);

"**non-nutritive sweeteners**" means any substance having less than two percent caloric value of sugars per equivalent unit of sweetening capacity (°Brix), as permitted by the Foodstuffs, Cosmetics and Disinfectants Act, 1972 (Act No. 54 of 1972);

"**outer container**" means a container which contains one or more containers of canned fruit;

"**packed to capacity**" means that the container has been filled with the maximum quantity of fruit that can be sealed therein without breaking or crushing the contents;

"**packer**" means any establishment dealing in the course of trade with canned fruit by packing them for sale, and also an establishment on behalf of whom such product is packed for sale;

"**peel**" means peel that adhere to the flesh of the fruit or is found loose in the container: Provided that it shall not be considered as a defect in the case of "unpeeled" styles;

"**permitted**" means permitted in terms of the Foodstuffs, Cosmetics and Disinfectants Act, 1972 (Act No. 54 of 1972);

"**pit fragments**" means any hard pit material and pit extensions excluding soft pit material and extensions;

"**production group**" means a quantity of canned fruit marked with the same code marks;

"**sound**" means free from insect damage, insect infestations, external or internal defects which detrimentally affect the quality of the fruit;

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

"**trimmed**" with regard to canned fruit, means that uneven portions or portions with blemishes have been cut away and "trimming" has a corresponding meaning;

"**uniform colour**" means that the product consists of units with a colour which do not vary significantly within the product concerned with regard to colour;

"**200 mm sieve**" means a sieve with a diameter of 200 mm, with apertures of 2,3 mm, manufactured from wire with a diameter of not less than 0,9 mm and not more than 1,25 mm; and

"**300 mm sieve**" means a sieve with a diameter of 300 mm and with apertures of 2,3 mm, manufactured from wire with a diameter of not less than 0,9 mm and not more than 1,25 mm.

***Restrictions on the sale of canned fruit***

2. (1) No person shall sell canned fruit in the Republic of South Africa –
- (a) unless such product is graded in accordance with grades referred to in regulation 3;
  - (b) unless such product complies with the standards referred to in regulations 4 and 5;
  - (c) unless such product complies with the types of pack referred to in regulation 6;
  - (d) unless such product complies with the packing media requirements referred to in regulation 7;
  - (e) unless the containers in which such product is packed, comply with the requirements referred to in regulation 8;
  - (f) unless such product is packed in accordance with the packing requirements referred to in regulation 9;
  - (g) unless such product concerned are marked in the manner prescribed in regulation 10; and
  - (h) if such product is marked with particulars and in a manner so prescribed as particulars with which it may not be marked.

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

#### **PART I: GENERAL QUALITY REQUIREMENTS FOR CANNED FRUIT**

##### ***Grades for canned fruit***

3. Canned fruit shall comply with the applicable grades for each kind of canned fruit as set out in Part II of these regulations.

##### ***Standards for grades of canned fruit***

4. (1) All grades of canned fruit –
- (a) shall be prepared from sound, fresh, clean and washed fruit;
  - (b) shall, subject to the provisions of paragraph (c), be free from any substance which does not normally form part of canned fruit, excluding extraneous vegetable matter; and
  - (c) shall contain only permitted food additives.
- (2) Subject to the provisions of subregulation (1) –
- (a) Extra Choice Grade, Choice Grade, Standard Grade, Substandard Grade and Manufacturers Grade canned fruit shall comply with the specific quality standards as set out in Part II; and
  - (b) Undergrade canned fruit, which may not be presented for sale, shall comprise fruit that do not comply with the standards for Extra Choice Grade, Choice Grade, Standard Grade, Substandard Grade or Manufacturers Grade, as set out in paragraph (a), and are inedible due to the presence of harmful or aesthetically objectionable foreign matter or foreign flavours and odours.

##### ***Standards for styles of canned fruit***

5. (1) Canned fruit shall be presented as any of the styles prescribed in each of the canned fruit as set out in Part II.
- (2) Any other presentation of the product shall be permitted: Provided that it –
- (a) is sufficiently distinctive from other forms or presentation laid down in these regulations;
  - (b) meets all other requirements of these regulations, including the permissible deviations which are applicable to that style which most closely resembles the style or styles intended to be provided under this provision; and
  - (c) is adequately described on the label to avoid confusing or misleading the consumer.

##### ***Types of pack***

6. Canned fruit shall be presented as any one of the following types of pack:
- (a) Regular pack which shall consist of fruit packed in a packing medium.
  - (b) Heavy pack which shall consist of crushed style fruit with or without sweetening ingredients and containing at least 73 percent drained mass.