



# agriculture, forestry & fisheries

Department:  
Agriculture, Forestry and Fisheries  
REPUBLIC OF SOUTH AFRICA

Directorate Food Safety and Quality Assurance, Private Bag X343, PRETORIA, 0001

## FAX COVER SHEET

<b>TO:</b>	<b>A. ALL MANUFACTURERS, PACKERS, IMPORTERS AND RETAILERS OF EDIBLE ICES</b>		
	<b>B. DIRECTORATE INSPECTION SERVICES</b>		
<b>FROM:</b>	Theo van Rensburg	<b>E-MAIL:</b>	<a href="mailto:theo@daff.gov.za">theo@daff.gov.za</a>
<b>TEL:</b>	+27 (0) 12 319 6020	<b>REF NO:</b>	20.4.11.1.2/Ice-Cream
<b>FAX:</b>	+27 (0) 12 319 6055		
<b>NO. PAGES:</b>	5	<b>DATE:</b>	21 January 2016

Subject

### INDUSTRY DISPENSATION: EDIBLE ICES REGULATIONS

#### Background

The industry dispensation issued on 26 June 2013 as well as the subsequent amendment issued on 15 September 2015 is hereby repealed and replaced with the below combined dispensation.

New provision has also been made for instant mix (powder) Edible Ice products intended for mixing on the premises and dispensed from a soft serve dispensing machine in a semi-frozen state.

#### Dispensation

Permission is hereby granted by the Executive Officer: Agricultural Product Standards in terms of section 3(1)(c) of the Agricultural Product Standards Act, 1990 (Act No. 119 of 1990), to all manufacturers, packers, importers and retailers of Edible Ices to apply the following changes to regulation R.78 of 8 February 2013:

#### **“(a) Regulation 6(1)(a) – Class designation**

Shall read as follows:

- (a) The applicable class designation or alternative class designation as specified in columns 2 and 3 of Table 2 and Table 3: Provided that --
- (i) in the case of --
- (aa) the classes Frozen Fruit Sorbet and Frozen Fruit Ice, the word “Fruit” may be substituted by the name(s) of the specific fruit(s) used;
- (bb) the class Flavoured Ice, the word “Flavoured” shall be preceded by the name(s) of the specific fruit(s) and/or flavouring(s) used;
- (cc) instant mix products (powder) which are intended to be prepared either at home, or on the premises (e.g. at ice-cream parlours/outlets/emporiums) for the purpose of dispensing it from a soft serve dispensing machine, by the addition of e.g. full cream milk, full cream yoghurt, butter milk, water, etc., the classification of the product concerned shall be based on --
- (aaa) the *fat content* of the final product when prepared in accordance with the mixing instructions provided on the packaging [i.e. the combined fat content of the dry/powdered milk and/or vegetable oil (e.g. palm kernel, coconut kernel, etc.) ingredients in the instant mix and the full cream milk, full cream yoghurt, butter milk, etc. it is intended to be mixed with.]; and

- (bbb) the *total solids content* and *milk solids non-fat content* (where applicable) of the final product when prepared in accordance with the mixing instructions provided on the packaging: Provided that --
- inclusions shall not be taken into account when determining the fat content and the total solids; and
  - the manufacturer, packer or importer shall, on request of the inspector, provide the Department with the necessary information/composition (e.g. analysis report, etc.) of the instant mix when prepared in accordance with the mixing instructions;
- (ii) an altered word sequence of the class designation or alternative class designation is permissible on condition that the altered word sequence does not constitute a misrepresentation, or not directly or by implication create or may create a misleading impression regarding the quality, nature, origin or composition of the product concerned; and
- (iii) no word or expression may be bigger than the class designation or alternative class designation unless it is a registered trade mark, brand name or product variant name (e.g. *'Neapolitan'*; *'Classic'*; *'Orange Maid'*; *'Almond'*; etc.): Provided that the use of variant names which include any reference to a foodstuff, either directly or by implication, and which have been in use --
- (aa) or allowed for on Edible Ices prior to the publication of regulation R.78 on 8 February 2013 are permissible, even though the reference to such foodstuff may in some instances consist of a flavouring only: Provided further that the manufacturer, owner, importer or retailer shall upon request provide the Executive Officer or inspector with the necessary evidence of such prior use within the Republic of South Africa; or
- (bb) on Edible Ices from 8 February 2013 only shall be -
- (aaa) subject to 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), if the actual foodstuff is present in the Edible Ices product concerned; and
- (bbb) subject to the requirements in paragraph (b) of this dispensation (regulation 6(1)(b)(iv)) if cocoa powder or vanilla has been added; or
- (bbb) followed by the word 'flavoured' in letters of the same size and font (type) if the reference to such foodstuff consists of a flavouring only."

**(b) Regulation 6(1)(b) – Additions to the class designation**

The following subparagraph is hereby inserted after subparagraph 6(1)(b)(iii):

- "(iv) (aa) If at least 2% (m/m) cocoa powder has been added to an Edible Ice product as a foodstuff in order to render a distinctive chocolate flavour and taste thereto, the applicable class designation or alternative class designation may either be preceded by the word "chocolate", or be followed by the wording "with chocolate": Provided that 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."
- (bb) If vanilla in the form of vanilla bean, vanilla pod, vanilla seed or pure vanilla extract has been added to an Edible Ice product in order to render a distinctive vanilla flavour thereto, the applicable class designation or alternative class designation may either be preceded by the word "vanilla", or be followed by the wording "with vanilla".

**(c) Regulation 6(1)(c) – The expression “pasteurised”**

Shall read as follows:

“(c) The expression “Pasteurised” in the case where –

- (i) Frozen Yoghurt has been pasteurised after fermentation; and
- (i) blends of yoghurt and either dairy ice-cream mix or ice-cream mix has been pasteurised:

Provided that this expression may be omitted if so preferred.”

**(d) Regulation 6(2)**

The following paragraph is hereby inserted after paragraph 6(2)(c):

**“Mixing instructions**

- (d) Mixing instructions in the case of all instant mix (powder) Edible Ices products intended for mixing either at home, or on the premises where it will be dispensed from a soft serve dispensing machine, in a letter size of at least 1 mm in height.”

**(e) Regulation 6(3) – Individual units packed in multipacks**

Shall read as follows:

- “(3) In the case where individual units are packed in a multipack, the expression “NOT FOR INDIVIDUAL SALE”, or any other wording having a similar meaning, shall at least be indicated on the containers containing the individual units: Provided that such individual units may not be sold loose.”

**(f) Regulation 6(8) – Mixing instructions**

Clear mixing instructions shall be indicated on all instant mix (powder) products.

**(g) Regulation 6(4) – Multipacks**

Shall read as follows:

- “(4) In the case of a multipack, at least the following marking requirements shall be indicated on the multipack:

- (a) The particulars prescribed in subregulations (1), (2) and (8); and
- (b) The number of containers (individual units) contained therein as required in terms of the Trade Metrology Act, 1973 (Act No. 77 of 1973).”

**(h) Regulation 6(6) – Soft Serve dispensing machines**

Shall read as follows:

- “(6) The following class designation shall be indicated conspicuously on each soft serve dispensing machine where semi-frozen Edible Ices products are sold in single serve portions:

- (a) “Soft Serve” in the case of the class Soft Serve.
- (b) “Semi-frozen X”, where “X” indicates the name of the applicable class (e.g. ‘semi-frozen low fat dairy dessert’, ‘semi-frozen fat free yoghurt’, etc.).”

**(i) Regulation 6(9) – Letter types and sizes**

Shall read as follows:

“(9) The particulars referred to in subregulations (1) to (8) shall be indicated in detached letters and figures --

- (a) that are clearly legible;
- (b) that are of the same type;
- (c) that appear on a contrasting background; and
- (d) of which the minimum vertical height of the smallest letter or figure in the indication is as follows:

Particular	Subregulation	Minimum size
<ul style="list-style-type: none"> <li>• Class designation</li> </ul>	(1)(a)	3mm: Provided that it may be reduced to 2mm in the case of units with a volume of 200mL or a weight of 200g and less
<ul style="list-style-type: none"> <li>• Additions to the class designation</li> <li>• The expression “pasteurised”</li> <li>• The expression “contains no live cultures”, etc.</li> </ul>	(1)(b) (1)(c) (1)(d)	2mm: Provided that, subject to the provisions of regulation 6(1)(a)(iii), the difference in letter size between the smallest letter in the class designation indication and smallest letter in the additions to the class designation indication shall not exceed 3mm
<ul style="list-style-type: none"> <li>• Name and address</li> <li>• Country of origin</li> <li>• Mixing instructions</li> <li>• Ingredients list</li> </ul>	(2)(a) (2)(b) (2)(d) (9)	1mm
<ul style="list-style-type: none"> <li>• The expression “NOT FOR INDIVIDUAL SALE”</li> </ul>	(3)	2mm
<ul style="list-style-type: none"> <li>• Designation “Soft Serve” or “Semi-frozen X” on soft serve dispensing machines.</li> </ul>	(6)	50mm
<ul style="list-style-type: none"> <li>• Applicable class name on display freezer unit or immediate container in which product is displayed – All single serve portions, excluding Soft Serve and other semi-frozen Edible Ices products intended to be dispensed from a soft serve dispensing machine.</li> </ul>	(7)	50mm

This permission is subject to the following conditions:

- (a) All other conditions of the Edible Ices regulations (R.78 of 8 February 2013) shall be complied with.
- (b) It may be withdrawn at any time should a valid complaint be received.

- (c) All manufacturers, packers, importers and retailers of Edible Ices indemnify this Directorate and the Department from any detrimental effect, financially or otherwise, which may emanate as a result of this permission.
- (d) Termination date: When an amendment to the Edible Ices regulations is published in the Government Gazette.



**EXECUTIVE OFFICER:**  
**AGRICULTURAL PRODUCT STANDARDS ACT, 1990 (ACT 119 OF 1990)**