

No. R. 1145

8 October 2004

**FOODSTUFFS, COSMETICS AND DISINFECTANTS ACT, 1972 (ACT NO. 54 OF 1972)****REGULATIONS GOVERNING TOLERANCE FOR FUNGUS-PRODUCED TOXINS 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**" refers to Foodstuffs, Cosmetics and Disinfectants Act, 1972 (Act No. 54 of 1972, and any expression to which the meaning has been assigned in the Act shall bear that meaning, unless the context indicates otherwise –

"**Ergot sclerotia**" means the sclerotia of the fungus *Claviceps purpurea*;

"**further processing**" means the processing of raw shelled peanuts intended for direct human consumption.

**Restrictions**

2. For the purposes of section 2(1)(b)(i) of the Act, in so far as it is applied to and is applicable to foodstuffs, the following foodstuffs are hereby deemed to be contaminated, impure or decayed –

- (a) Peanuts intended for further processing, which contain more than 15 µg/kg of aflatoxin (total);
- (b) all foodstuffs, ready for human consumption, which contain more than 10 µg/kg of aflatoxin, of which aflatoxin B<sub>1</sub> is more than 5 µg/kg;
- (c) milk containing more than 0.05 µg/l of aflatoxin M<sub>1</sub>;
- (d) wheat, rye, barley and oats which contain more than 0.02% (m/m) of *Ergot sclerotia*; and
- (e) apple juices and apple juice ingredients in other beverages containing more than 50 µg/l of patulin.

### Enforcement

3. The sampling plan for the analysis of total aflatoxins in peanuts intended for further processing to be used for enforcement and control in terms of these regulations shall be in accordance with the provisions laid down by the *Joint Food and Agricultural Organization/World Health Organization (FAO/WHO) Food Standards Programme's Codex Alimentarius Commission*, i.e. Sampling Plan for Aflatoxins in Peanuts Intended for Further Processing (CODEX STAN 209 of 1999 as revised in 2001).

### Repeal

4. The regulations published under Government notice No. R. 313 of 16 February 1990 as amended by Government Notices No. R. 614 of 23 March 1990, No. R. 830 of 20 March 1992 and No. R. 1143 of 4 August 1995 are hereby repealed.



**ME TSHABALALA-MSIMANG**  
**MINISTER OF HEALTH**