

DEPARTMENT OF AGRICULTURE, FORESTRY AND FISHERIES

No. R.

XXXX

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

**REGULATIONS RELATING TO THE CLASSIFICATION, PACKING AND MARKING OF VINEGAR
AND IMITATION VINEGAR INTENDED FOR SALE IN THE REPUBLIC OF SOUTH AFRICA**

The Minister of Agriculture, Forestry and Fisheries has in terms of 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 12 months after date of publication thereof; and
- (c) read together with section 3(2) of the said Act, repealed the regulations published by Proclamation No. R. 1393 of 15 September 1995 with effect from the date of commencement.

SCHEDULE

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Definitions

1. Any word or expression in these regulations to which a meaning has been assigned in the Act shall have that meaning, and unless the context otherwise indicates –

"**acidity**" means the total acid in vinegar expressed as the chemical compound known as hydrogen acetate or anhydrous acetic acid that requires for complete neutralization of 100 parts per mass, 66,61 parts per mass of pure sodium hydroxide;

"**alcohol**" means ethyl alcohol or ethanol;

"**foreign matter**" means any material which is not normally present in vinegar;

"**fortified wine**" means wine to which a spirit derived from the fermented juice of the grape vine has been added to such an extent that the alcohol content thereof is at least 15 per cent but does not exceed 22,0 per cent;

"**geographical indication**" (GI) means an indication (name) as defined in the regulations relating to the protection of geographical indications used on agricultural products intended for sale in the Republic of South Africa;

"**grape must**" means pressed grape juice that contains the skins, seeds, and stems of the fruit;

"**imitation vinegar**" means a product other than vinegar which in general appearance, presentation and intended use corresponds to vinegar but was not made solely by alcoholic fermentation and subsequent acetous bacterial oxidation of any juice, infusion, solution or decoction of plant or animal origin, for example food grade glacial acetic acid;

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

"**lot (batch)**" means a definite quantity of a commodity produced essentially under the same conditions, and not exceeding 24 hours;

"**oxidation value**" means the ml of 0.002M KMnO₄ (potassium permanganate) that is used by 100ml of sample in 30 minutes under standard conditions;

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

"**vinegar**" means the product made solely by alcoholic fermentation and subsequent acetous bacterial oxidation of any juice, infusion, solution or decoction of plant or animal origin containing starch and/or sugar where the end product has an oxidation value >200, but excludes a liquor product as defined in the Liquor Products Act, 1989 (Act No. 60 of 1989); and

"**wine**" means a liquor product which complies with the requirements prescribed in section 5 of the Liquor Products Act, 1989 (Act No. 60 of 1989).

Restrictions on the sale of vinegar and imitation vinegar

2. (1) No person shall, subject to the provisions of subregulation (2), sell vinegar and imitation vinegar in the Republic of South Africa unless, for the purposes of --

(a) sale to the public --

(i) it is sold according to the classes referred to in regulation 3;

(ii) it complies with the standards referred to in regulation 4;

(iii) the containers in which it has been packed comply with the requirements referred to in regulation 5;

(iv) it is marked in the manner and with the particulars referred to in regulation 6; and

(v) it complies with the restricted particulars referred to in regulation 13; or

(b) delivery by a manufacturer to a packer or use in further manufacturing --

(i) it is sold according to the classes referred to in regulation 3; and

(ii) it complies with the standards referred to in regulation 4: Provided that the vinegar may be concentrated.

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

PART I

CLASSES AND STANDARDS APPLICABLE TO VINEGAR AND IMITATION VINEGAR

Classes of vinegar and imitation vinegar

3. Vinegar and imitation vinegar shall be classified according to the following classes:

- (a) Grape vinegar.
- (b) Wine vinegar.
- (c) Spirit vinegar.
- (d) Glucose vinegar.
- (e) Cider, apple cider or apple vinegar.
- (f) Malt vinegar.
- (g) Balsamic vinegar.
- (h) Honey vinegar.
- (i) Rice vinegar.
- (j) Coconut vinegar/coconut flower vinegar
- (k) Unspecified vinegar.
- (l) Blended vinegar.
- (m) Imitation vinegar.
- (n) Flavoured vinegar.
- (o) Geographical indication vinegar.

Standards for classes

4. (1) All classes of vinegar and imitation vinegar shall --
- (a) not have less than 4% (v/v) and not more than 20% (v/v) acidity in the ready to use form;
 - (b) with the exception of imitation vinegar, be made solely by alcoholic fermentation and subsequent acetous bacterial oxidation of any juice, infusion, solution or decoction of plant or animal origin containing starch and/or sugar;
 - (c) not contain any mineral acid;
 - (d) be clear: Provided that –
 - (i) flavoured vinegar may be somewhat turbid/unclear;
 - (ii) unfiltered vinegar may be turbid/unclear: Provided that unfiltered, unpasteurised vinegar may contain some of the jelly like substance that

sometimes form during production of the vinegar; and

- (iii) balsamic vinegar may be turbid/unclear;
 - (e) have a characteristic flavour and colour of the class of vinegar or imitation vinegar concerned;
 - (f) contain only food additives to the extent permitted under the Foodstuffs, Cosmetics and Disinfectants Act, 1972 (Act No. 54 of 1972); and
 - (g) if used, contain only ingredients covered by the definition of a foodstuff under the Foodstuffs, Cosmetics and Disinfectants Act, 1972 (Act No. 54 of 1972).
- (2) Grape vinegar shall consist of vinegar which is solely made from --
- (a) the juice of grapes or dried grapes; or
 - (b) diluted distilled alcohol obtained from the juice of grapes or dried grapes; or
 - (c) fortified wine.
- (3) Wine vinegar shall consist of vinegar which is solely made from wine other than fortified wine.
- (4) Spirit vinegar shall consist of vinegar which is solely made from --
- (a) the juice of cane sugar or molasses; or
 - (b) diluted distilled alcohol obtained from the juice of cane sugar or molasses.
- (5) Glucose vinegar shall consist of vinegar which is solely made from starch, glucose or glucose syrup.
- (6) Cider vinegar, apple cider vinegar or apple vinegar shall consist of vinegar which is solely made from the juice or concentrated juice of apples.
- (7) Malt vinegar shall consist of vinegar which is solely made from whole cereal grain, the starch of which has been converted into fermentable sugar by the direct action of malt.
- (8) Balsamic vinegar shall consist of wine vinegar and/or of vinegar which is solely made from grape must: Provided that the vinegar may contain added grape must or juice.
- (9) Honey vinegar shall consist of vinegar which is solely made from honey.
- (10) Rice vinegar shall consist of vinegar which is solely made from rice.
- (11) Coconut vinegar shall consist of vinegar which is made from coconut water with or without the addition of sugar, while coconut flower vinegar shall consist of vinegar made solely from the sap that is tapped from the stems of coconut blossoms.
- (12) Unspecified vinegar shall consist of vinegar which is solely made from any juice, infusion, solution or decoction of plant or animal not mentioned in subregulations (2) to (10).
- (13) Blended vinegar shall consist of vinegar which is solely made by the blending of two or more of the classes of vinegar mentioned in subregulations (2) to (11), or by the blending of the respective raw materials of such classes prior to alcoholic fermentation and/or subsequent acetous bacterial oxidation.
- (14) Imitation vinegar means a product other than vinegar which in general appearance, presentation and intended use corresponds to vinegar but was not made solely by alcoholic fermentation and subsequent acetous bacterial oxidation of any juice, infusion, solution or decoction of plant or animal origin.

(15) Flavoured vinegar shall consist of any of the classes of vinegar mentioned in subregulations (2) to (13), to which aromatic plant extracts or plant parts, including spices have been added or which, by leaching of aromatic plant material in the vinegar, has absorbed their flavour characteristics.

(16) Geographical indication vinegar means a vinegar complying with the specifications for the GI vinegar as registered in terms of the regulations relating to the protection of geographical indications used on agricultural products intended for sale in the Republic of South Africa.

PART II

CONTAINERS

Requirements for containers

5. A container in which vinegar or imitation vinegar is packed shall --
- (a) be manufactured from a material that --
 - (i) is suitable for this purpose;
 - (ii) will protect the contents thereof from contamination; and
 - (iii) will not impart any undesirable flavour to the contents thereof;
 - (b) be so strong that it will not be damaged or deformed during normal storage, handling and transport practices;
 - (c) be intact and clean; and
 - (d) be closed properly in a manner permitted by the nature thereof.

PART III

MARKING REQUIREMENTS

Marking of containers

6. (1) Each container in which vinegar or imitation vinegar is packed, shall be marked in at least English, with the exception of GI class designations that may not be in English, with the following particulars:
- (a) The class designation as specified in regulation 7.
 - (b) The additional particulars on the main panel, where applicable, as specified in regulation 8.
 - (c) The name and address as specified in regulation 9.
 - (d) The country of origin as specified in regulation 10.
 - (e) Traceability as specified in regulation 11.
 - (f) The requirements and restrictions for Geographical Indications as specified in regulation 12.
 - (g) An indication of the volume of the contents in the manner and size as prescribed by the Legal Metrology Act, 2014 (Act No. 9 of 2014).
 - (h) Where the integrity and stability of a vinegar is such that it requires the indication of the "best before" and/or "use by" and/or "sell by" date, then it shall be indicated on

every container in the manner prescribed in the regulations published under the Foodstuffs, Cosmetics and Disinfectants Act, 1972 (Act No. 54 of 1972).

- (i) If any foodstuff or food additive has been added to vinegar, with an indication thereof in the manner as required in terms of the Foodstuffs, Cosmetics and Disinfectants Act, 1972 (Act No. 54 of 1972).

(2) The particulars referred to in subregulation (1) and specified in column 1 of Table 1 shall be indicated in detached letters and figures --

- (a) that are in each separate case of the same colour, type, font and size;
- (b) that appear on a uniform and contrasting background;
- (c) that are clearly legible;
- (d) of which the minimum vertical height (applicable to smallest letters or figures in the indication) shall be as specified in column 2 of Table 1 opposite the particulars concerned; and
- (e) that are indicated on labels that are well affixed (pasted/glued) or directly indelibly marked on the surface of the containers.

(3) A vinegar or imitation vinegar packed in a container of 10ml or less shall be provided with a label indicating the particulars referred to in regulations 7(1), 9 and 11 in a minimum letter size of 1mm (applicable to smallest letters or figures in the indication): Provided that it is packed in an outer container that is marked with all the applicable particulars in the prescribed manner.

(4) If a vinegar or imitation vinegar is sold from a tank or bulk container into the container of the buyer, the tank or container from which such vinegar or imitation vinegar is sold shall be marked in the immediate vicinity of the tap with the applicable class designation as specified in regulation 7 and the country of origin as specified in regulation 10.

(5) The particulars referred to in subregulation (1), subject to subregulation (2), shall also be indicated on outer containers if the vinegar or imitation vinegar is intended to be sold, or if there is the possibility that it may be sold to the public in the outer container.

Class designation

7. (1) The class designation for the vinegar or imitation vinegar concerned is as specified in regulation 3: Provided that –

- (a) in the case of blended vinegar, the class designation shall be indicated as "Blended Vinegar" or "Vinegar Blend" with the names of the various classes of vinegar indicated in descending order of quantity in percentage (v/v) of each kind used as part of or in close proximity to the class designation;
- (b) in the case of unspecified vinegar, the word "Unspecified" may be substituted with an accurate descriptive name which identifies the plant or animal origin of the vinegar;
- (c) in the case where the plant origin of a vinegar is from a specific variety, the variety may be indicated as origin of the vinegar subject to manufacturing practices that guarantee the true variety origin of the vinegar;
- (d) in the case of imitation vinegar, the term "Acetic Acid" must appear in the immediate vicinity of the class designation;
- (e) in the case of flavoured vinegar, the class designation shall include a descriptive name which identifies the flavour, clarified by an applicable description such as "flavoured", "with", "infused with", as the case may be;

- (f) in the case where the vinegar is made from distilled alcohol, as in the case of spirit vinegar, grape vinegar or grain vinegar, or any other vinegar where the source material's contribution to the characteristics of the vinegar would be negligible, the class designation "Distilled vinegar" may be used for these vinegars; and
- (g) in the case of GI vinegar the class designation shall be the GI name(s), as indicated in Table 2, or any other vinegar GI name registered in terms of the regulations relating to the protection of geographical indications used on agricultural products intended for sale in the Republic of South Africa.

(2) The class designation of the vinegar concerned does not have to be the largest on the container, subject to the provisions of regulation 6(2), but shall be prominently indicated.

(3) The indication of the colour of vinegar or imitation vinegar, such as "brown", "white", "red", etc. is optional: Provided that—

- (a) if the colour is indicated it may only appear on the container in the immediate vicinity of the class designation and/or as part of the class designation; and
- (b) if the container is not transparent the colour shall be indicated on the container in the immediate vicinity of the class designation and/or as part of the class designation.

Additional particulars

8. (1) In the case of vinegar or imitation vinegar which requires dilution with water before use, directions for such dilution shall be indicated in the format of "Dilute 1 to x with water" where x represents the quantity of water needed in the dilution.

(2) The acidity of the vinegar or imitation vinegar in the container shall be indicated as "X% Acidity" where "X" represents the acidity as described in the definition for acidity.

(3) The word "unfiltered" may only appear on unfiltered vinegar.

(4) Reference to the "mother" may be made on unfiltered, unpasteurised vinegar.

(5) A vinegar made solely by alcoholic fermentation and subsequent acetous bacterial oxidation of any juice, infusion, solution or decoction of plant and/or animal origin may use the indication "Naturally Fermented" or similar description.

(6) Subject to the compulsory indication of the class designation as required in regulation 6(1)(a), the container of a vinegar may also in addition to the class designation indicate the intended use of the vinegar, such as "Vinegar for ..." or similar description.

Name and address

9. (1) The name or trade name and the address of the manufacturer, packer, seller or distributor of the vinegar or imitation vinegar shall be indicated: Provided that –

- (a) in the case of imported vinegar or imitation vinegar, the name and address of the importer or seller in South Africa shall be indicated; and
- (b) such address shall be the physical address of the manufacturer, packer, distributor, importer or seller concerned.

(2) In exceptional cases where it is not possible for the manufacturer, packer or distributor of the vinegar or imitation vinegar to indicate a physical address, a postal address with a telephone number may be used instead of the physical address as required in subregulation (1)(b): Provided that the exception can be motivated.

Country of origin

10. (1) The country of origin shall be declared as follows--
- (a) "Product of (name of country)" if all the main ingredients, processing and labour used to make the product are from one specific country;
 - (b) "Produced in (name of country)", "Processed in (name of country)", "Manufactured in (name of country)", "Made in (name of country)", or wording having a similar meaning, when the product is processed in a second country which changes its nature; or
 - (c) In the case where single ingredient agricultural commodities are imported in bulk and where owing to climatic, seasonal or other contingencies more than one country may be the source of the single ingredient agricultural commodity, the wording "Product of (name(s) of country(ies))" separated by the expression 'and/or', shall be declared on the label of the final pre-packed foodstuff: Provided that the final end product remains a single ingredient agricultural commodity.
- (2) The words "Packed in (name of country)" may be used in addition to the requirements of sub-paragraph (1) above.
- (3) The names of the countries referred to in subregulations (1) and (2) may not be abbreviated.

Traceability

11. (1) A container of a vinegar and imitation vinegar shall be identifiable and traceable to such an extent that the factory where the final product was produced can be identified as well as details regarding the specific production lot (batch) in such a way that the specific batch is easily identifiable and traceable.
- (2) A container of a vinegar and imitation vinegar shall be clearly marked with a batch identification in such a way that the specific batch is easily identifiable and traceable.
- (3) Such identification shall be the same for all containers of vinegar or imitation vinegar originating from the same production lot (batch).

Geographical indications ("GI's")

12. (1) The Geographical Indications (GIs) listed in Table 2 and which have been registered with the Executive Officer in terms of the regulations relating to the protection of geographical indications used on agricultural products intended for sale in the Republic of South Africa, may only be used on the particular vinegar originating from the corresponding country.
- (2) Any direct or indirect commercial use of the GIs listed in Table 2 is prohibited as specified in the regulations relating to the protection of geographical indications used on agricultural products intended for sale in the Republic of South Africa.
- (3) A registered South African GI for vinegar may in addition show the permitted designation or corresponding acronym indicating that it is a GI, as prescribed in the regulations relating to the protection of geographical indications used on agricultural products intended for sale in the Republic of South Africa, in the immediate vicinity of the GI name (that acts as class designation).
- (4) Imported vinegars presented for sale under a registered foreign GI may show any GI symbol(s), designations and acronyms approved for use for such purpose by the competent authority in the country of origin concerned.
- (5) GI's may have different labelling and/or compositional requirements as required by these regulations, provided that such requirements are indicated under the product specifications registered for the GI.
- (6) This regulation shall be applicable to the GI vinegar products protected under the

Merchandise Marks Act, 1941 until the regulations relating to the protection of geographical indications used on agricultural products intended for sale in the Republic of South Africa in terms of the Agricultural Product Standards Act, 1990 have been published and implemented.

Restriction on the use of certain particulars

13. (1) No word, mark, illustration, depiction or other method of expression that constitutes a misrepresentation or which directly or by implication creates or may create a misleading impression regarding the quality, nature, class or origin of that vinegar or imitation vinegar, shall be marked on a container thereof.

(2) The words "natural", "super", "ultra", "extra", or "pure" or any other word or expression that directly or by implication creates or may create the impression that the vinegar or imitation vinegar is of a special or particular quality, shall not be marked on a container unless the word or expression concerned is part of the trade mark appearing on such a container: Provided that—

- (a) the mentioned trade mark is not indicated in close proximity to the class designation or compositional property indications;
- (b) the mentioned trade mark does not create or may create an obvious misleading impression as contemplated in subregulation (1); and
- (c) "Naturally Fermented" as referred to in regulation 8(5) is excluded from this restriction.

(3) No claim regarding the absence of any substance that does not normally occur in a vinegar or imitation vinegar shall be marked on a container thereof: Provided that the word "unpreserved" or similar wording may be indicated in the case of vinegar and imitation vinegar containing no added preservatives.

(4) No class designation other than the applicable class designation may be marked on a container of vinegar or imitation vinegar.

- (5) (a) No depiction of a leaf, fruit animal or any other plant or animal part shall appear on a container of imitation vinegar.
- (b) The provisions of paragraph (a) shall, in the case of imitation vinegar, not be construed so as to include a prohibition on an illustration or depiction of a salad.

(6) Any product containing vinegar or imitation vinegar as an ingredient but not complying with the provision of these regulations, may not have its label, packaging, trade name, trade mark or pictorial illustrations, so designed as to imply that it is a vinegar: Provided that reference may be made to vinegar or imitation vinegar if it is done in a manner that clearly indicates that it is only an ingredient.

- (7) The provisions of these regulations shall also *mutatis mutandis* apply to --
 - (a) particulars that are marked on an outer container in which one or more separate containers of vinegar or imitation vinegar is packed;
 - (b) particulars that are marked on a notice board displayed at or in the immediate vicinity of a vinegar or imitation vinegar; and
 - (c) advertisements and other procedures related to the sale of a vinegar or imitation vinegar.

PART IV

SAMPLING AND INSPECTION

Sampling

14. (1) (a) An inspector authorised/appointed in terms of the Act may in any consignment of vinegar and imitation vinegar draw –

- (i) for the purpose of analysis, one or two samples per lot (batch); or
 - (ii) for the purpose of further inspection, as many containers as he or she may deem necessary.
- (b) An inspector shall be satisfied that the samples so drawn are representative of the consignment concerned.
- (c) Samples of vinegar and imitation vinegar may be obtained from the trade or directly from the factory or warehouse where such products are stored.

PART V

OFFENCES

Offences and penalties

15. Any person who contravenes or fails to comply with the provisions of these regulations shall be guilty of an offence and upon conviction be liable to a fine or imprisonment in accordance with section 11 of the Agricultural Product Standards Act, 1990 (Act No. 119 of 1990).

TABLE 1**LETTER SIZES OF INDICATIONS**

| NATURE OF PARTICULARS | | MINIMUM VERTICAL HEIGHT OF THE SMALLEST LETTERS OR FIGURES IN THE INDICATION |
|------------------------------|---|---|
| 1. | Indication of class designation and indications forming part of class designation [Reg. 7(1)] | 3,0 mm |
| 2. | Indication of the different classes of vinegar in a blended vinegar [Reg. 7(1)(a)] | 2,0 mm (or 3mm if part of class designation) |
| 3. | Indication of "Acetic Acid" [Reg. 7(1)(d)] | 3,0 mm |
| 4. | Indication of dilution ratio [Reg. 8(1)] | 2,0mm |
| 5. | Indication of "X% Acidity" [Reg. 8(2)] | 1,0 mm |
| 6. | Indication of name or trade name and address [Reg. 9] | 1,0 mm |
| 7. | Indication of country of origin [Reg. 10] | 1,0 mm |

Note: Refer to regulation 6(3) for marking requirements and letter size applicable to containers of 10ml and less.

TABLE 2

**LIST OF PROTECTED GEOGRAPHICAL INDICATIONS (GIs) FOR VINEGAR
[REG. 13]**

| Country | GI (Name) | Effective date of protection |
|--|--|-------------------------------------|
| Italy | Aceto Balsamico di Modena | 1 November 2016 |
| Italy | Aceto balsamico tradizionale di Modena | 1 November 2016 |
| Any other vinegar name registered as a GI in terms of the regulations relating to the protection of geographical indications used on agricultural products intended for sale in the Republic of South Africa after the publication date of these regulations | | |