

No. R. 343

7 March 2003

## LIQUOR PRODUCTS ACT, 1989 (ACT No. 60 OF 1989)

## REGULATIONS : AMENDMENT

The Minister of Agriculture has, under section 27 of the Liquor Products Act, 1989 (Act No. 60 of 1989), made the regulations in the Schedule.

## SCHEDULE

**Definition**

1. In this Schedule "the Regulations" means the regulations published by Government Notice No. R.1433 of 29 June 1990, as amended by Government Notices Nos. R.838 of 19 April 1991, R.2841 of 29 November 1991, R.2079 of 24 July 1992, R.2593 of 11 September 1992, R.2791 of 2 October 1992, R.3152 of 20 November 1992, R.1376 of 30 July 1993, R.2350 of 10 December 1993, R.356 of 25 February 1994, R.636 of 8 April 1994, R.1022 of 27 May 1994, R.2242 of 23 December 1994, R.394 of 17 March 1995, R.1695 of 3 November 1995, R.1876 of 8 December 1995, R.501 of 29 March 1996, R.1038 of 8 August 1997, R.1141 of 29 August 1997, R.833 of 26 June 1998, R.1078 of 28 August 1998, R.24 of 8 January 1999, R.70 of 22 January 1999, R.672 of 28 May 1999, R.951 of 6 August 1999 and R.21 of 12 January 2001.

**Amendment of regulation 3 of the Regulations**

2. Regulations 3 of the Regulations is hereby amended by the substitution for paragraph (c) of the following paragraph:

- "(c) The volatile acid shall -
- (i) in the case of wine exported in bulk, not exceed 0,8 gram per litre;
  - (ii) in the case of a wine in respect of which certification as a noble late harvest wine has been refused, not exceed 1,8 gram per litre; and
  - (iii) otherwise not exceed 1,2 gram per litre".

**Substitution of regulation 10 of the Regulations**

3. The following regulation is hereby substituted for regulation 10 of the Regulations:

**"Requirements for grape spirit [7(1)(b); 27(1)(a) and (d)]**

10. Grape spirit shall -
- (a) be distilled from the fermented juice of the product of the vine which, under excise supervision -
    - (i) is distilled in a continuous still to an alcohol content of at least 75 per cent; or
    - (ii) is distilled in a pot still to an alcohol content of not more than 75 per cent;
  - (b) be approved by the board and be certified by it as a spirit produced exclusively from the fermented juice of the product of the vine; and

- (c) have an alcohol content of at least 43 per cent".

***Substitution of regulation 12 of the Regulations***

4. The following regulation is hereby substituted for regulation 12 of the Regulations:

***"Requirements for pot still brandy [7(1)(b);27(1)(a) and (d)]***

12.(1) Pot still brandy shall –

- (a) be distilled from the fermented juice of the product of the vine which is distilled under excise supervision in a pot still to an alcohol content of not more than 75 per cent;
- (b) be matured by storage for a period of at least three years in oak casks -
  - (i) with a capacity of not more than 340 litres; and
  - (ii) which have been approved by the Commissioner of Customs and Excise or a person authorized thereto by him or her in writing;
- (c) be approved by the board and be certified by it as a spirit produced exclusively from the fermented juice of the product of the vine; and
- (d) have an alcohol content of at least 38 per cent.

(2) Notwithstanding the provisions of this regulation, not more than 10 per cent of the content of a pot still brandy, calculated on the basis of absolute alcohol, may consist of a grape spirit referred to in regulation 10, a wine spirit referred to in regulation 13(1)(a), a spirit referred to in regulation 13(1)(b) or a mixture of such grape spirit, wine spirit or spirit".

***Substitution of regulation 13 of the Regulations***

5. The following regulation is hereby substituted for regulation 13 of the Regulations:

***"Requirements for brandy [7(1)(b);27(1)(a) and (d)]***

13.(1) Brandy shall consist of a mixture of not less than 30 per cent, calculated on the basis of absolute alcohol, pot still brandy referred to in regulation 12 to which no grape spirit, wine spirit, spirit or a mixture thereof has been added in terms of regulation 12(2), and not more than 70 per cent, calculated on the basis of absolute alcohol –

- (a) wine spirit distilled from the fermented juice of the product of the vine to an alcohol content of at least 60 per cent, which was approved by the board and certified by the board as a spirit produced exclusively from the fermented juice of the product of the vine; or
- (b) a spirit which -
  - (i) has been distilled from fermented sugar exclusively obtained from the pulp that remains after the juice has been pressed from grapes, with or without addition of water;
  - (ii) has been distilled to an alcohol content of at least 95 per cent; and
  - (iii) has been approved by the board and been certified by the board as a spirit that has been manufactured exclusively from the product of the vine; or
- (c) a mixture of wine spirit referred to in paragraph (a), and spirit referred to in paragraph (b).

- (2) Brandy shall have an alcohol content of at least 43 per cent".

***Amendment of regulation 33 of the Regulations***

6. Regulation 33 of the Regulations is hereby amended by -

- (a) the addition of the following paragraph to subregulation (1):

"(e) The expression "contains sulfites" or "bevat sulfiete" in the case of wine."; and

- (b) the addition of the following paragraph to subregulation (2):

"(d) The indication of the expression "contains sulfites" or "bevat sulfiete" on a label is only required -

- (i) in respect of wine sold by the responsible seller thereof after 30 June 2004; and
- (ii) if sulphur dioxide occurs in that wine in a concentration of more than 10 milligram per litre, measured as total sulphur dioxide."

***Amendment of regulation 34 of the Regulations***

7. Regulation 34 of the Regulations is hereby amended by the substitution for subparagraph (v) of paragraph (c) of subregulation (1) of the following subparagraph:

"(v) of which the minimum vertical height, depending on the capacity of the container concerned, is listed in column 2, 3 or 4 of Table 9 for that particular detail."

***Amendment of regulation 35 of the Regulations***

8. Regulation 35 of the Regulations is hereby amended by the insertion of the following paragraph after paragraph (b) of subregulation (2):

"(bA) The class designation "grape spirit" can be substituted by the expression "pot still grape spirit" if the grape spirit concerned was distilled in a pot still;".

***Amendment of regulation 39 of the Regulations***

9. Regulation 39 of the Regulations is hereby amended by the insertion of the following proviso at the end of subregulation (5):

"Provided that any of the said expressions need not be indicated on the label of a container of a liquor product if the rest of the name of a co-operative society does not contain a name referred to in section 11(3)(a)(i) or (ii) of the Act."

***Amendment of regulation 39A of the Regulations***

10. Regulation 39A of the Regulations is hereby amended by the substitution for paragraph (a) of subregulation (1) of the following paragraph:

"(a) which forms part of -

- (i) a trade mark as defined or recognized in the Trade Marks Act, 1993 (Act No. 194 of 1993);
- (ii) the name of a company as defined in the Companies Act, 1973 (Act No. 61 of 1973);
- (iii) the name of a co-operative society as defined in the Co-operatives Act, 1981 (Act No. 91 of 1981); or

- (iv) the name of a corporation as defined in the Close Corporation Act, 1984 (Act No. 69 of 1984)."

#### **Amendment of regulation 52 of the Regulations**

11. Regulation 52 of the Regulations is hereby amended by the substitution for paragraph (b) of subregulation (7) of the following paragraph:

- "(b) in the case of certified wine contained in sealed containers, where the wine concerned was certified or found to be suitable for export, as the case may be, on the basis of the sensorial judgement of a sample of the wine not more than 12 months before the date of lodging of the application, by the board;"

#### **Substitution of Table 1 of the Regulations**

12. The Table in Annexure A is hereby substituted for Table 1 of the Regulations.

#### **Amendment of Table 2 of the Regulations**

13. Table 2 of the Regulations is hereby amended by -

- (a) the substitution for the paragraph in column 2 opposite item 2 "Dry wine" in column 1 of the following paragraph:  
"The residual sugar content of the product shall not exceed 5,0 gram per litre.";
- (b) the substitution for the paragraph in column 2 opposite item 3 "Semi-dry wine" in column 1 of the following paragraph:  
"The residual sugar content of the product shall be more than 5,0 gram per litre, but shall not exceed 12,0 gram per litre.";
- (c) the substitution for the paragraph in column 2 opposite item 4 "Semi-sweet wine" in column 1 of the following paragraph:  
"The residual sugar content of the product shall be more than 5,0 gram per litre, but less than 30,0 gram per litre.";
- (d) the substitution for the paragraph numbered 2 in column 2 opposite item 5 "Late harvest wine" in column 1 of the following paragraph:  
"2. The residual sugar content of the product shall be at least 20,0 gram per litre.";
- (e) the substitution for the paragraph numbered 7 in column 2 opposite item 6 "Special late harvest wine" of the following paragraph:  
"7. The alcohol content of the product shall be at least 11,0 per cent, but it shall not contain added spirit.";
- (f) the deletion of the paragraph numbered 8 in column 2 opposite item 6 "Special late harvest wine"; and
- (g) the substitution of the paragraph numbered 2 in column 2 opposite item 8 "Sweet natural wine" of the following paragraph:  
"2. The residual sugar content of the product shall be more than 20,0 gram per litre."

**Substitution of Table 6 of the Regulations**

14. The Table in Annexure B is hereby substituted for Table 6 of the Regulations.

**Amendment of Table 7 of the Regulations**

15. Table 7 of the Regulations is hereby amended by -

- (a) the substitution for paragraph (b) in column 3 opposite the expressions "Wine; alcoholic fruit beverage; grape-based liquor" and "Cloudiness, colouring agents and proteins" in columns 2 and 1 respectively, of the following paragraph:

"(b) treatment with agar-agar, bentonite, egg albumen, filtering aids, activated animal or vegetable charcoal, gelatine, casein, polyvinyl polyrollidone, silicasol, tannin or isinglass or, in the case of a grape-based liquor, ion exchange resins.";

- (b) the insertion in the correct alphabetical position of the following item:

1	2	3
"Organic acids	Wine; alcoholic fruit beverage; grape-based liquor	By means of calcium carbonate, calcium hydroxide, cold stabilisation or sodium hydroxide".

**Amendment of Table 8 of the Regulations**

16. Table 8 of the Regulations is hereby amended by -

- (a) the substitution for subparagraph (i) of paragraph (b) of note 2 of the following subparagraph:

"(i) noble late harvest wine and wine from naturally dried grapes shall contain a maximum of 300 mg/l of sulphur dioxide;"

- (b) the substitution for paragraph (ii) of paragraph (b) of note 2 of the following subparagraph:

"(ii) natural wine with a residual sugar content of more than 5 gram per litre shall contain a maximum of 200 mg/l of sulphur dioxide;"

- (c) the substitution for subparagraph (v) of paragraph (b) of note 2 of the following subparagraph:

"(v) red wine with a residual sugar content of less than 5 g/l produced after 31 December 2002 shall not contain more than 150 mg/l of sulphur dioxide;"

- (d) the addition of the following subparagraph to paragraph (b) of note 2:

"(vi) wine in respect of which certification as a noble late harvest wine has been refused, may contain a maximum of 300 mg/l of sulphur dioxide.".

**Amendment of Table 9 of the Regulations**

17. Table 9 of the Regulations is hereby amended by the addition of the following item:

1	2	3	4
"5. The expression "contains sulfites" or "bevat sulfiete" on wine labels/Die uitdrukking "bevat sulfiete" of "contains sulfites" op wynetikette .....	1,0 mm	1,5 mm	2,0 mm"

**Amendment of Table 10 of the Regulations**

18. Table 10 of the Regulations is hereby amended by -

- (a) the substitution for the paragraph in column 2 opposite item 3 "Droë vonkelwyn/Dry sparkling wine" in column 1 of the following paragraph:

"Sec vonkelwyn/sparkling wine; Trocken vonkelwyn/sparkling wine; Secco vonkelwyn/sparkling wine; Ascuitto vonkelwyn/sparkling wine; Enpoc vonkelwyn/ sparkling wine.";

- (b) the substitution for the paragraph in column 2 opposite item 4 "Semi-soet vonkelwyn/ Semi-sweet spraking wine" in column 1 of the following paragraph:

"Demi sec vonkelwyn/sparkling wine; Halbtrocken vonkelwyn/sparkling wine; Abbotato vonkelwyn/sparkling wine; Halvtor vonkelwyn/sparkling wine; Off dry vonkelwyn/ sparkling wine.".