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GOVERNMENT NOTICES
GOEWERMENTSKENNISGEWINGS

DEPARTMENT OF AGRICULTURE
DEPARTEMENT VAN LANDBOU

No. R. 1072

1 August 2003

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

**REGULATIONS RELATING TO THE QUALITY, GRADING, PACKING AND MARKING OF
TOMATOES 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 on date of publication; and
- (c) read together with section 3(2) of the said Act, repealed the regulations published by Proclamation Nos. R. 1977 of 7 September 1984, R. 2854 of 29 December 1989, Government Notices Nos. R. 1978 of 7 September 1984, and R. 602 of 30 March 1984 with effect from the date of commencement.

SCHEDULE

Definitions

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

"**blemishes**" means any mark on the outer wall of the tomato which adversely affects the appearance thereof;

"**bruises**" means any pressure wound which affect the quality of tomatoes detrimentally;

"**carrier container**" means a container in which more than one consumer package of tomatoes are packed;

"**chemical residues**" means residues of agricultural remedies which in terms of the Fertilizers, Farm Feeds, Agricultural Remedies and Stock Remedies Act, 1947 (Act No. 36 of 1947), are permissible for the treatment of pests and diseases and which do not exceed the prescribed maximum residue limit;

"**class**" means a class referred to in regulation 3;

"**classified tomatoes**" means tomatoes which have been classified according to the classes specified in these regulations and of which the container is marked with a class designation or other designation indicating that the tomato is of a particular class or possesses particular quality properties;

"**consignment**" means --

- (a) a quantity of tomatoes of the same class belonging to the same owner which is delivered at any one time under cover of the same consignment note, delivery note or receipt note, or is delivered by the same vehicle, or

- (b) if such quantity is subdivided into different size groups or cultivars, each quantity of each of the different size groups or cultivars;

"**decay**" means a state of decomposition, fungus development or insect infestation which partly or completely affect the quality of the tomato detrimentally, is visually noticeable;

"**diameter**" means the greatest transverse measurement of a tomato, measured at right angles to a line running from the stem-end to the apex of the tomato;

"**firm**" means a stage of development at which the flesh of the tomato is firm enough to withstand normal commercial handling;

"**foreign matter**" means any matter which does not naturally form part of tomatoes and is visually noticeable thereon;

"**Injury**" means a wound or puncture which exposes the flesh of the tomato, excluding a wound or puncture which has healed completely or has calloused;

"**Inspector**" means the Executive Officer or an inspector under his control or an Assignee or an employee of an Assignee;

"**malformed**" means that the shape of a tomato is not typical of the cultivar concerned;

"**size group**" means a size group referred to in item 18 of Table 1;

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

"**tomato**" means the unprocessed fruit of the plant *Lycopersicon lycopersicum* (L.) Karsten ex. Farwell intended for human consumption and includes all cultivars, varieties and commercial types;

"**unclassified tomatoes**" means tomatoes which have not been classified according to the classes specified in these regulations and the quality specifications in Table 1, and of which the container is marked with a designation to indicate that no definite class or grade has been applied to the container; and

"**unprocessed**" means that the tomatoes have not been cooked, peeled, dried or processed in any other way, excluding normal sorting, grading, packing or cleaning practices;

"**unspecified defects**" means any defects caused by physiological or non-physiological factors affecting the quality of the tomato detrimentally.

Restrictions on the sale of tomatoes

2. (1) No person shall sell in the Republic of South Africa tomatoes, other than imported tomatoes referred to in subregulation (2), --

- (i) unless the tomatoes are unclassified or sold according to the classes in regulation 3;
- (ii) unless the tomatoes complies with the different standards for classified or unclassified tomatoes in regulation 4;
- (iii) unless the tomatoes are packed in a container and in the manner prescribed in regulations 5, 6 and 7;
- (iv) unless the tomatoes are marked with the particulars and in the manner prescribed in regulation 8;

- (v) if the tomatoes contains a substance prescribed as a substance which it may not contain;
- (vi) if the tomatoes are packed in a container or in a manner so prescribed as a container in which or a manner in which it may not be packed;
- (vii) if the tomatoes are marked with particulars or in a manner prescribed as particulars with which or a manner in which it may not be marked.

(2) Imported tomatoes shall be exempted from the provisions of subregulation (1), provided that the tomatoes --

- (a) comply with either the Codex, UNECE (United Nations Economic Commission for Europe) or OECD (Organisation for Economic Co-operation and Development) standards; and
- (b) are according to bilateral agreement accompanied by certificate issued by a relevant government authority responsible for quality control of fresh fruit and vegetables and in which it is certified that the quality of the tomatoes as verified through inspection conforms to the relevant standard.

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

QUALITY STANDARDS

Classes for tomatoes

3. (1) Tomatoes shall be sold as either classified tomatoes or unclassified tomatoes.
- (2) There are four classes of classified tomatoes namely Class 1, Class 2, Class 3 and Lowest Class.

Standards for classes

4. (1) Classified and unclassified tomatoes shall --
- (a) be fit for human consumption; and
 - (b) contain no chemical residues that exceed the prescribed maximum residue limit.
- (2) Subject to the provisions of subregulation (2), tomatoes which are classified as Class 1, Class 2, Class 3 and Lowest Class shall comply with the specifications set out in Table 1 of the Annexure.
- (3) The extent to which Class 1, Class 2, Class 3 and Lowest Class tomatoes may deviate from the specifications prescribed in subregulation (1) is determined in accordance to regulations 12, 13 and 14 and as set out in Table 2 of the Annexure.

CONTAINERS, PACKING AND MARKING REQUIREMENTS**Requirements for containers**

5. (1) Containers in which tomatoes are packed in shall –
- (a) be intact, clean, suitable and strong enough for the packing and normal handling of tomatoes;
 - (b) not impart a taste or odour to the tomatoes;
 - (c) be free from any matter other than the tomatoes packed therein and the packing material in which tomatoes are customarily packed;
 - (d) in the case of containers that are re-used, the container should --
 - (i) be of such material that the container can be cleaned and disinfected prior to re-use;
 - (ii) be thoroughly clean before tomatoes are packed therein; and
 - (iii) be free from all marks and etiquettes removed or be covered by new etiquettes.

(2) A carrier container shall be strong enough not to bulge out or dent in during normal handling and transporting practices.

Stacking of containers on pallets

6. If containers containing tomatoes are palletised --
- (a) the pallet shall be clean, undamaged and suitable and not transmit to tomatoes any harmful substance or any substance that may be injurious to human health;
 - (b) pallets manufactured from wood shall be without bark;
 - (c) the pallet shall be free from any visible signs of fungal growth;
 - (d) the pallet shall be free from Arthropoda infestation;
 - (e) the containers shall be stacked firmly and square with each other and the pallet;
 - (f) only containers of the same dimensions shall be stacked in the same layer on the pallet; and
 - (g) the containers shall not be stacked upside-down on the pallet.

Packing requirements

7. Each container tomatoes shall –
- (a) be packed with tomatoes to the full capacity thereof; and
 - (b) in the case of classified tomatoes, contain tomatoes of the same class and size group and as far as practical possible of the same colour.

Marking requirements

8. (1) Containers containing tomatoes destined for sale shall be marked in clear and legible block letters and figures in a manner described in subregulation (5) with the following particulars: Provided that the particulars shall be omitted in the case of a transparent container of 5 kg and less of which the full contents can be seen by the consumer:

- (a) The name or trademark and physical or postal address of either the producer or owner or importer or packer of the tomatoes packed in that container.
- (b) The producers' code or packhouse code (with the exception of imported tomatoes), which is registered with the Executive Officer by the producer or packhouse as the case may be: Provided that --
 - (aa) the packhouse code shall only be used if the origin of the tomatoes cannot be traced back to the producer;
 - (bb) if a producer has more than one farm, each farm shall be registered separately;
 - (cc) such code shall be preceded by the expression "Producer:", "Packhouse:", "Packer:" or any other suitable term having a similar meaning; and
 - (dd) the producer has a system in place to enable him/her to track a specific consignment of tomatoes down to field level.
- (c) The expression "Product of" followed by the name of the country of origin of the tomatoes.
- (d) The class, in the case of Class 1, Class 2, Class 3 and Lowest Class: Provided that additional to the class names the following names may be used:
Class 1 - First, Class 2 - Select, Class 3 - Standard, Lowest Class - Budget.
- (e) The size group of the tomatoes in the container, indicated as either minimum diameter and maximum diameter or as "XX-large" or "XXL", "Extra large" or "XL", "Large" or "L", "Medium Plus" or "MP", "Medium" or "M", "Small" or "S" and "Cocktail" or "C": Provided that the size group indication may be omitted in the case of tomatoes in a bunch or cherry tomatoes.
- (f) The net mass of the contents: Provided that the net mass may be omitted in the case where standardised containers as prescribed by the Trade Metrology Act, 1973 (Act No. 77 of 1973).
- (g) The word "tomatoes", in the case of containers the contents of which are not visible from outside.

(2) If containers containing tomatoes are packed in a carrier container, each carrier container shall be marked with the particulars in subregulation (1), as well as with the number of containers it contains, on at least one end of every carrier container by means of stamping or stenciling or by pasting a printed label thereon.

(3) The particulars prescribed in subregulation (1) shall be indicated on the container by stamping, printing or by affixing a label thereon.

(4) Particulars shall be printed in any of the official languages: Provided that internationally acknowledged symbols may be used.

(5) If at any stage the class or size designation should change the labels shall be replaced unless the new class or size designation is stamped across the old class or size designation, in clear legible block letters of at least 2 mm larger than the previous marks, with a suitable stamp.

(6) Each container containing tomatoes shall be provided with only one or more labels that shall be –

- (a) intact, clean and neat;
- (b) manufactured from manilla paper or other suitable material; and
- (c) affixed firmly to the container and in such a manner that re-stamping is possible without opening or damaging the container.

(7) If classified tomatoes are displayed for sale in loose quantities –

- (a) any quantity of a particular class, size group or cultivar shall not be displayed mixed with tomatoes of any other class, size group or cultivar; and
- (b) the class, size group and country of origin of the tomatoes shall be indicated in clear, legible block letters on a notice board prominently placed at the quantity of tomatoes.

(8) Containers containing unclassified tomatoes shall be marked in clear and legible block letters and also comply with subregulations 8(1)(a), (b), (c), (f) and (g) and subregulation 8(2), (3), (4) and (6).

Prohibited particulars

9. No wording, illustration or other device of expression which constitutes a misrepresentation or which directly or by implication can create a misleading impression of the contents shall appear on a container containing tomatoes or on a label affixed thereto or which is displayed therewith.

SAMPLING

Obtaining a sample

10. (1) An inspector shall obtain a sample from a consignment by –

- (a) in the case of tomatoes packed in containers –
 - (i) draw two percent of containers and satisfy him or herself that the containers abstracted are representative of the consignment concerned; and
 - (ii) taking as inspection sample at least 25 tomatoes from each container obtained in subparagraph (i), or the contents from the containers if the containers contains less than 25 tomatoes; and
- (b) in the case of tomatoes kept or displayed for sale in loose quantities –
 - (i) taking separate samples from the various classes and size groups which have been identified; and

- (ii) taking as inspection sample at least 25 tomatoes at random from each quantity mentioned in subparagraph (i), or all the tomatoes if the number is less than 25 tomatoes.

(2) Each sample that is taken in accordance to the provisions of subregulation (1), shall be deemed to be representative of the quantity from which the samples have been taken.

Deviating sample

11. If an inspector notices during the course of abstracting a sample or during examination thereof that any of the containers, derived from any or differ from the contents of the containers which represents the rest of the consignment he shall determine the average examination result only on the containers that are required for the examination shall be taken from this divergent part of the consignment of tomatoes.

METHODS OF INSPECTION

Determination of percentage in too green tomatoes

12. The percentage of too green tomatoes shall be determined as follows:

- (a) Take from the inspection sample those tomatoes which are most likely to be too green.
- (b) Cut not more than four tomatoes, open through the diameter thereof.
- (c) Determine visually how many of the tomatoes thus cut open, have pips which are undeveloped and not covered with jelly.
- (d) Express the number thus determined as a percentage of the total number of tomatoes in that sample, which percentage represents the extent to which too green tomatoes occur in such sample.

Determination of size variations

13. The size variation shall where applicable be determined as follows:

- (a) Measure the diameter of each tomato in the inspection sample concerned.
- (b) Calculate the average diameter of the tomatoes in that inspection sample.
- (c) Determine the number of tomatoes in that inspection sample of which the diameter differs with more than 10 mm from the average thus calculated.
- (d) Express the number thus determined as a percentage of the total number of tomatoes in that inspection sample, which percentage represents the extent to which tomatoes with unacceptable size variations occur in the sample.

Determination of percentage of quality factors other than too green tomatoes and size variations

14. Percentage quality factors other than too green tomatoes and size variations shall be determined as follows:

- (a) Examine each tomato in the inspection sample concerned visually or if necessary, by handling it or cutting it.

- (b) Determine in respect of each of the various quality factors the number of tomatoes in that inspection sample in which deviations occur.
- (c) Express the number in respect of each quality factor thus determined as a percentage of the total number of tomatoes in that inspection sample, which percentage represents the extent to which tomatoes with the deviation concerned occur in the sample.

OFFENCES AND PENALTIES

15. Any person who contravenes or fails to comply with a provision of these regulations shall be guilty of an offense and upon conviction be liable to a fine or imprisonment in consultation with article 11 of the Act.

TABLE 1
STANDARDS FOR TOMATOES

Quality Factors	Standards to be complied with			
	Class 1	Class 2	Class 3	Lowest Class
1	2	3	4	5
1. Decay	Not permissible	Not permissible	Not permissible	*
2. Foreign matter	Not permissible	Not permissible	Not permissible	*
3. Firmness	Fairly firm and not overripe	Reasonably firm and not overripe	May not have a blistered appearance (including cherry tomatoes) and must still be firm enough to be sliced in 5 mm slices (excluding cherry tomatoes)	*
4. Blemishes (excluding cherry tomatoes)	Blemishes not deeper than 1,5 mm and not exceeding a total area of $\pm 225 \text{ mm}^2$ (circle with a diameter of 15 mm) is permissible	Blemishes not deeper than 1,5 mm and not exceeding a total area of 340 mm^2 (circle with diameter of 20 mm) is permissible	Blemishes not deeper than 3 mm and not exceeding a total area of $\pm 615 \text{ mm}^2$ is permissible provided that not more than 20% of the tomato is cut away in one or more flat slices to remove damaged parts	*
5. Cat faces (Disfigurement and blemishes at the flowering end of the tomato) (excluding cherry tomatoes)	A few scabby marks not deeper than 1,5 mm or exceeding a total area of 225 mm^2 (circle with a diameter of 15 mm) is permissible	Wrinkled and suberic marks not deeper than 1,5 mm and not exceeding a total area of 340 mm^2 is permissible	Severe wrinkled and suberic parts with a total area of 615 mm^2 is permissible provided that no more than 20% of the tomato may be cut away in one flat slice to remove the malformed part	*
6. Craks (a) Circular cracks (excluding cherry tomatoes)	Circular crack(s) not deeper than 1,5 mm and which individually or collectively form a	Circular crack(s) not deeper than 1,5 mm and which individually or collectively form a half	Circular crack(s) not deeper than 1,5 mm and which individually or collectively form a full	*

(b) Stalk-end cracks (excluding cherry tomatoes)	quarter circle is permissible One or more cracks which individually or collectively are not longer than 10 mm and deeper than 1,5 mm is permissible	circle is permissible One individual crack not longer than 20 mm and not deeper than 1,5 mm or two or more cracks which collectively are not longer than 20 mm or deeper than 1,5 mm is permissible	circle is permissible Tomatoes in a poorer condition than Class 2: Provided that no more than 20% of the tomato must be cut away in one of more flat slices to remove the damaged parts and that none of the cracks show any sign of decay	*
7. Bruises	Not permissible	Not permissible	Not permissible	*
8. Too green	Not permissible	Not permissible	Not permissible	*
9. Appearance	Sound and attractive	Sound and attractive	Sound and attractive	*
10. Shape	Well shaped for the relevant cultivar	Reasonably well shaped for the relevant cultivar	Tomatoes with points are permissible	*
11. Injury	Not permissible	Not permissible	Not permissible	*
12. Leaking tomatoes (not regarded as decay)	Not permissible	Not permissible	Not permissible	*
13. Mosaic	Not permissible	Mosaic stain with an area of not more than 12,5% (1/8) of the total surface of the tomatoes is permissible, provided that no blistered appearance is present	Mosaic stain with an area not more than 50% of the total surface of the tomato is permissible	*
14. Sunburn	Not permissible	A light yellow colour without any sign of leatheriness and sunkness is permissible	A yellow colour, sunkness and leatheriness is permissible provided that not more than 20% of the tomato must be cut	*

			away in one or two flat slices to remove damaged parts and no sign of decay is present	
15. Dust	Not permissible	Not permissible	Not permissible	*
16. Soil covered	Not permissible	Mud-smearred during handling and light soil splatters is permissible	Soil covered tomato due to contact with soil during growth period is permissible, provided that the tomato has not decayed	*
17. Unspecified defects other than those mentioned in items 1 - 16	Not permissible	Not permissible	Not permissible	*
18. Size according to diameter (excluding cherry tomatoes)				
(a) If not packaged in size groups	At least 50 mm	At least 40 mm	At least 30 mm	*
(b) if packed in size groups : XX-Large pack	More than 95 mm	More than 95 mm	More than 95 mm	*
(c) if packed in size groups: Extra Large	More than 83 mm but not exceeding 94 mm	More than 83 mm but not exceeding 94 mm	More than 83 mm but not exceeding 94 mm	*
(d) if packaged in size groups: Large pack	More than 73 mm but not exceeding 82 mm	More than 73 mm but not exceeding 82 mm	More than 73 mm but not exceeding 82 mm	*
(e) if packaged in size groups: Medium Plus pack	More than 64 mm but not exceeding 72 mm	More than 64 mm but not exceeding 72 mm	More than 64 mm but not exceeding 72 mm	*

(f) if packaged in size groups Medium pack	More than 56 mm but not exceeding 63 mm	More than 56 mm but not exceeding 63 mm	More than 56 mm but not exceeding 63 mm	*
(g) if packed in size groups: Small	More than 30 mm but not exceeding 55 mm	More than 30 mm but not exceeding 55 mm	More than 30 mm but not exceeding 55 mm	*
(h) if packed in size groups Cocktail pack	More than 5 mm but not exceeding 29 mm	More than 5 mm but not exceeding 29 mm	More than 5 mm but not exceeding 29 mm	*
19. Size variation (excluding cherry tomatoes)	Fairly uniform in size: Provided that, in the case of cocktail tomatoes, only 4 mm difference is permissible between the largest and smallest tomato in the same container is allowed	Reasonably uniform in size: Provided that, in the case of cocktail tomatoes, only 4 mm difference is permissible between the largest and the smallest tomato	Different sizes may be packed together: Provided that in the case of cocktail tomatoes, only 4 mm difference is permissible between the largest and the smallest tomato	*
20. Colour variations	Tomatoes in the same container should be uniform in colour and ripeness	Tomatoes in the same container should be uniform in colour and ripeness	Different colour may be packaged together	*

* Not applicable

TABLE 2

PERMISSIBLE DEVIATIONS IN RESPECT OF QUALITY FACTORS BY NUMBER

Quality Factors	Maximum extent to which deviations may occur in tomatoes that are classified as-			
	Class 1	Class 2	Class 3	Lowest Class
1	2	3	4	5
1. Decay	1%	2%	5%	*
2. Foreign matter	0%	0%	0%	*
3. Firmness, scars, cracks, bruises, too green, appearance, form, injuries, leaking tomatoes, mosaic, sunburn, dust, soil and other quality factors referred to in item 17 Table 1 individually	5%	15%	25%	*
4. Deviations referred to in items 1, 2 and 3 collectively: provided that the deviations individually are within the specified requirements	5%	15%	25%	*
5. Size groups (excluding cherry tomatoes)	10%	15%	25%	*
6. Size variations	10%	15%	25%	*
7. Colour variations	20%	25%	*	*

* Not applicable

TABLE 3
SPECIFICATIONS WITH REGARD TO RECOMMENDED CONTAINERS

Type of container	Measurements			Recommended net packed content (kg)
	Outside length (mm)	Outside width (mm)	Maximum inside depth (mm)	
1	2			3
Prepack Punnet				0,5
Packet				1
Bulkpack	300	200	76	2
Tray	400	300	76	3,5
Box	400	200	125	5
B6 Carton	400	250	133,5	6
Traditional box	460	230	127	7
Box 6"	460	230	152	8
Jumbo (composite Wood/Carton) B9	400	300	180	9
Jumble	460	230	180	10
Crate	*	*	*	20