

No. R. 1052

28 October 2005

AGRICULTURAL PRODUCT STANDARDS ACT, 1990
(ACT No. 119 OF 1990)**REGULATIONS RELATING TO THE GRADING, PACKING AND MARKING
OF POTATOES 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) determine that the said regulations shall come into operation on date of publication; and
- (c) repealed the regulations published by Government Notices No. R. 1755 of 24 September 1993 as amended by R. 1106 of 5 July 1996.

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 –

"carrier container" means a container in which more than one Type **Z** container are packed;

"**CD**," with regard to paper quality, means cross direction;

"class," in relation to the quality of potatoes, means a class referred to in regulation 3;

"colour plates" means potato standards and colour plate which are compiled by the Directorate of Food Safety and Quality Assurance of the Department of Agriculture in consultation with role players in industry;

"consignment" means a quantity of potatoes 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 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 or fungus development except dry stem-end rot, partly or completely affecting the quality of the potato detrimentally;

"foreign matter" means any material not normally present in, on or among potatoes with the exception of soil;

"grade-marked potatoes" means potatoes of which the container is marked or in the proximity of which the mark is applied indicating that such potatoes are of a particular quality of possess particular quality properties:

"groove **cut**" means a cut as depicted in Annexure **F**;

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

"level cut" means a cut as depicted in Annexure **F**;

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

"**MD**," with regard to paper quality, means machine direction;

"photo" means the photos in the colour plates;

"potatoes" means the unprocessed tubers of the plant *Solanum tuberosum* intended for human consumption;

"straight cut" means a cut as depicted in Annexure F;

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

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

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

Restrictions on the sale of potatoes

2. (1) No person shall sell potatoes in the Republic of South Africa -
- (a) unless the potatoes are sold according to the classes referred to in regulation 3;
 - (b) unless the potatoes comply with the standards regarding quality referred to in regulation 4;
 - (c) unless such potatoes are packed in a container and in the manner prescribed in regulations 5 and 6;
 - (d) unless the containers in which such potatoes are presented for sale have been manufactured according to the requirements prescribed in regulation 5;
 - (e) unless such potatoes are marked with the particulars and in the manner prescribed in regulation 7;
 - (f) if such potatoes contain a substance so prescribed as a substance which it may not contain;
 - (g) if such potatoes 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; and
 - (h) if such potatoes are marked with particulars or in a manner so prescribed as particulars with which or a manner in which it may not be marked.
- (2) The Executive officer may grant written exemption, entirely or partially, to any person on such condition as he or she may deem necessary, from the subregulation (1).

Classes for potatoes

3. There are four classes of potatoes, namely Class 1, Class 2, Class 3 and Lowest Class.

Standards for classes

4. (1) Subject to the provisions of subregulation (2) potatoes which are classified as Class 1, Class 2, Class 3 and Lowest Class shall comply with the specifications set out in Table 1 of Annexure B and depicted in the colour plates.
- (2) The maximum extent to which Class 1, Class 2 and Class 3 potatoes may deviate from the specifications prescribed in subregulation (1) are determined in accordance to subregulation (3) and are set out in Table 2 of Annexure B
- (3) The extent to which Class 1, Class 2 and Class 3 potatoes deviates from the prescribed specifications, shall be determined as follows:

- (a) Examine the tubers in the sample of the consignment sensorially and on the basis of the colour plates in order to determine whether such deficiencies occur thereon or therein: Provided that any tuber from the sample referred to in regulation 8(2) with suspected internal deficiencies may be dissected for the purpose of a confirmation or otherwise of the observation concerned.
- (b) Determine with regard to each of the separate quality factors mentioned in subregulation (2) the mass of the potatoes that deviate from the prescribed specifications.
- (c) Express the mass determined in paragraph (b) as a percentage of the net mass of the container of potatoes, such percentage represents the extent to which potatoes with the deviation concerned are present in such container: Provided that in the case of internal quality defects the degree of deviation shall be determined as a percentage of 3 kg.

Requirements for containers

5. (1) Potatoes shall be packed in containers which -
- (a) are intact, clean, suitable and strong enough for the packing and normal handling of potatoes;
 - (b) shall not impart a taste or odour to the potatoes;
 - (c) consist of Type W, **X**, **XB**, **Y**, **Z** or **B** containers; and
 - (d) in the case of Type **X** and **XB** containers, shall be printed with the expression "Container complies with the prescribed specifications", in clear, legible block letters, which shall be clearly visible after the containers have been filled.
- (2) Subject to the provisions of subregulation (1) the specifications for the different types of containers shall be as stipulated in Table 1 of Annexure C.
- (3) A single ply of paper shall comply with the minimum requirements set out in Table 3 of Annexure C after conditioning and testing in accordance with the prescribed methods, at $23 \pm 1^\circ\text{C}$ and $50 \pm 2\%$ relative humidity.
- (4) For the purpose of the tests in subregulation (3) only unused and undamaged bags shall be sampled in accordance with ISO 186, (an internationally accepted method of sampling and determination of the average quality of paper and board as set out by the International Organization for Standardization).

Packing requirements

6. (1) Potatoes shall, in the case of Class 1, Class 2 and Class 3, correspond in cultivar, class and size group in the same consignment.
- (2) Type W containers shall be closed by sewing or threading with a suitable tying string and not by tying.
- (3) Type **X** and **XB** containers shall be closed by bunch tying with a suitable wire tie or by sewing with a suitable tying string.
- (4) Type Y containers shall be firmly closed with a suitable drawstring or by sewing and not by tying.
- (5) Type **B** containers shall be provided with a suitable lid.
- (6) The net mass of potatoes in the various containers shall be as stipulated in Table 3 of Annexure C.

Marking requirements

7. (1) Subject to the provisions of subregulation (2) each Type W, X, XB and Y container containing potatoes shall be supplied with only one label, which shall -

- (a) be of a white or buff manilla paper;
- (b) be at least 80 mm in length and 40 mm in width, and not more than 85 mm in length and 50 mm in width;
- (c) be provided with a round or longitudinal reinforced tying hole;
- (d) be intact, clean and neat;
- (e) have on one side a horizontal line of 0,5 mm in width passing along the length and more or less through the centre of the label as indicated in Annexure D;
- (f) on the reverse side of the side mentioned in paragraph (e), have a horizontal line of at least 4 mm in width passing along the length and more or less the centre of the label as indicated in Annexure D;
- (g) have the particulars, prescribed in subregulation (3), printed in clear legible block letters of at least 3 mm in height and in the following colours:
 - Class 1 - blue;
 - Class 2 - green;
 - Class 3 - red; or
 - Lowest Class - black;
- (h) be firmly attached with suitable tying material through the tying hole of the label to the sewn, threaded or bunch tied top end of the container; and
- (i) be affixed to the containers in such a way that restamping is possible without opening or damaging the container.

- (2) (a) Labels can be omitted in the case of Type X and XB containers if a form, as prescribed in subregulation (7) and depicted in Annexure E, is printed on the container.
- (b) The form shall -
 - (i) not be more than 220 mm in length and not more than 120 mm in width;
 - (ii) be printed on the bottom of the container; and
 - (iii) be completed as prescribed in subregulation (7) in letters at least 5 mm in height.

(3) Type W, X, XB and Y containers containing potatoes shall be marked in clear legible block letters on the label or form prescribed in subregulations (1) and (2) and Type B and Z containers containing potatoes shall be marked in clear legible block letters of at least 3 mm in height either on one end of the container itself or on the label attached thereto, with the following particulars:

- (a) The name and address or trade mark of the producer or owner;
- (b) the name and address of the consignee if applicable;
- (c) the class namely "Class 1", "Class 2", "Class 3" or "Lowest Class", as the case may be;

- (d) in the case of Class 1 and Class 2, the size group, namely "Large", "Medium", "Small" or "Baby", as the case may be: Provided that the expressions "L", "M" or "S" for large, medium or small potatoes respectively, as the case may be, may also be used;
- (e) the net mass of the contents in letters of a size as prescribed by the Trade Metrology Act, 1973 (Act No. 77 of 1973);
- (9) the word "Potatoes";
- (g) the cultivar (optional); and
- (h) country of origin: Provided that no abbreviations or the expression "South Africa" on its own shall be used.

(4) The particulars referred to in subregulation (3) may be omitted in the case of transparent Type Z containers.

(5) If Type Z containers containing potatoes are packed in a carrier container, each carrier container shall be marked with the particulars mentioned in subregulation (3), as well as with the number of Type Z containers it contains, on at least one end of every carrier container by means of stamping or stencilling or by pasting a printed label thereon.

(6) If at any stage the class designation or size designation is altered, labels, where applicable, shall be replaced or the new class designation or size designation shall be stamped across the old class designation or size designation on the label or the form in clear legible block letters of at least 2 mm larger than the previous marks with a suitable stamp.

(7) The particulars shall be set out in the label prescribed in subregulation (1) in the manner indicated in Annexure D.

(8) The particulars stipulated in Annexure E shall be set out on the form prescribed in subregulation (2): Provided that the particulars may appear in any sequence on the form.

(9) The particulars shall be printed in one or both official languages

(10) No wording, illustration or other means of expression which constitutes a misrepresentation or which directly or by implication, may create a misleading impression of the contents, or of the quality or the class thereof, shall appear on a container containing potatoes or on a label attached thereto.

(11) Whenever potatoes are displayed for sale in loose quantities -

- (a) any quantity of a particular class, a size group or a cultivar shall not be displayed mixed with potatoes of any other class, size group or cultivar; and
- (b) adherence to the marking requirements is optional: Provided that if marked, the class, and in the case of Class 1 and Class 2 also the size group of such quantity of potatoes, shall be indicated in clear, legible block letters of at least 10 mm in height on a notice board prominently placed at such a quantity of potatoes.

Sampling

8. (1) An inspector shall abstract, at random for inspection purposes, a number of containers and satisfy himself that the containers so abstracted are representative of the consignment concerned. Each container abstracted in this manner shall be inspected separately.

(2) If potatoes are inspected for internal quality the inspector shall -

- (a) abstract a sample of 3 kg of potatoes from each container of the sample as set out in subregulation (1); and

- (b) from every 3 kg sample, select and cut a maximum of 750 g of the potatoes that have, in the opinion of the inspector, the poorest internal quality. The mass of the cut potatoes which does not comply with the requirements of the class concerned in proportion to the total mass of the 3 kg sample shall be determined on a percentage basis.

Offence and penalties

9. 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 for a period of not exceeding two years or both such fine and imprisonment.