

NOTICE 495 OF 2006
DEPARTMENT OF AGRICULTURE
FERTILIZERS, FARM FEEDS, AGRICULTURAL REMEDIES AND STOCK
REMEDIES ACT, 1947 (ACT NO. 36 OF 1947)

PUBLICATION OF FARM FEEDS REGULATIONS (STERILIZING PLANTS) FOR PUBLIC COMMENTS

I, Angela Thoko Didiza, Minister of Agriculture hereby publish the Regulations relating to the Farm Feeds (sterilizing plants), made under section 23 of the Fertilizers, Farm Feeds, Agricultural Remedies and Stock Remedies Act, 1947 (Act No. 36 of 1947), for comments by the general public. Comments must be submitted in writing within 30 days of publication of this Notice to:

Dr E Mokantla
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National Department of Agriculture
Private Bag X343
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0001

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SCHEDULE

Definitions

1. Unless the context otherwise indicates, words and phrases in these regulations shall have the meaning assigned thereto in the Act, and –

“**additive**” means any intentionally added substance to feed ingredients, feed or food, not normally consumed as feed by itself when in combination with other substances, whether or not it has a direct or indirect nutritional value and is not classified as a medicine or an essential nutrient, which affects the characteristics of feed ingredients, feed, food, animal products, animal production or animal performance and is generally recognized or proven to be safe under the conditions of its intended use.

“**analysis certificate**” means a certificate issued by an accredited laboratory that indicates the complete chemical and/or physical composition of the particular product as required by the Registrar.

“**animal**” means an animal belonging to a specie normally kept, nourished and/or consumed by man.

“application fee” means monies that, in terms of these regulations, are payable for the registration of an animal feed and the annual renewal of such registrations.

“balanced animal feed” means a term that may be applied to an animal feed or diet having all known required nutrients in proper quantities and proportion based upon recommendations of recognised authorities in the field of animal nutrition. The species for which it is intended and the functions such as maintenance plus production (growth, foetus, fat, milk, eggs, wool, feathers, or work) shall be specified.

“batch” means the uninterrupted production of a specific product of a specific formula.

“batch number” means the number or symbol allocated to a batch of animal feed by the manufacturer for trace-ability and recall purposes.

“bulk” means the packaging of an animal feed other than in a sealed container.

“complete animal feed” means an animal feed which contains all the necessary nutrients in the correct quantities and proportions for a given physiological need of the animal as established by a recognised authority in animal nutrition and which meets the total daily requirements of an animal.

“concentrate” means an animal feed that must be mixed with one or more feed ingredients to obtain a complete animal feed or supplement.

“custom mix” means a mixture compiled on the written advice of a qualified person for a specific client or a mixture of registered raw materials mixed at the written request of an end user. Prescription mixture shall have a corresponding meaning.

“enzyme” means a protein made up of amino acids or their derivatives which catalyses a defined chemical reaction. Required co-factors should be considered as an integral part of the enzyme.

“enzyme substrate” means the material or substance which is acted upon catalytically by the enzyme.

“enzyme activity” means the catalytic activity required to convert a given quantity assay substrate to a given quantity of product per unit time under the standard conditions set forth in the assay procedure.

“farm animal” means animal nourished and kept by man for commercial purposes.

“Farm feed” means any mixture of acceptable raw materials intended for the feeding of animals as defined in the Act.

“feed grade urea” means urea which contains at least 460 grams of nitrogen per kilogram.

“feed ingredient” means a product of vegetable or animal origin, in its natural state, fresh or preserved; a product derived from the industrial processing thereof; and an organic or inorganic substance, whether or not containing additives or as a carrier of premixtures. Feed ingredient has the same meaning as raw material, feedstuff or any words of similar connotation..

“good manufacturing practice or GMP” means a system of manufacturing designed to ensure that the final products made are fit for their intended purpose and meet all agreed specifications and statutory requirements.

“guaranteed analysis” means the stated minimum and/or maximum nutrient value of an animal feed.

“guideline” means additional conditions as determined by the registrar in accordance with Section 3(3) of the Act.

“immediate container” means in relation to an animal feed, a container which is in direct contact with the animal feed.

“ingredient statement” means a collective and contiguous listing on the label of the ingredients of which the animal feed is composed.

“invoice” means an accompanying letter, delivery note or weigh bridge ticket, receipt note or receipt.

“label” means when used as a noun, any written, printed or graphic representation attached to an immediate container of an animal feed or produced on an immediate container in any possible manner and which states the details required in terms of these regulations for the particular animal feed.

“labelling” means all labels and other written, printed or graphic matter upon animal feed or any of its immediate containers or wrappers accompanying such farm feed.

“manufacture” means make, compound, mix, formulate, process, package and label for purpose of sale. Manufacturing and manufacturing process have a similar meaning.

“mixed animal feed” means a mixture of feed ingredients, whether or not containing additives, for oral animal feeding in the form of a complete, supplementary or concentrated farm feed.

“nutrient” means a substance which conveys nourishment to an animal.

“non-protein nitrogen” means an organic or inorganic nitrogen source that can be converted to protein by ruminants.

“particular nutritional purpose” means the purpose of satisfying the specific nutritional needs of certain animals whose process of assimilation, absorption or metabolism could be temporarily impaired or is temporarily or irreversibly impaired and are therefore able to derive benefit from ingestion of farm feeds appropriate to their condition.

“pet animal” means an animal belonging to a species, normally kept as a companion and nourished by man.

“premixture” means a mixture of additives or mixtures of one or more additives with substances used as carriers, intended for the manufacture of farm feeds.

“protein equivalent” means the percentage of protein derived from non-protein nitrogen sources included in the animal feed and is calculated by multiplying the inclusion of the non-protein nitrogen source by the appropriate factor.

“registration holder” means the legal or natural person to whom the Registrar has issued a registration number.

“registration number” means the number given by the Registrar once a product has been registered under which such product may be sold.

“sealed” means to close a container in such a visible manner with a mechanism that will break visibly the first time the container is opened.

“source organism” means an organism that actually produces the enzyme(s).

“supplement animal feed” means a feed used with another feed to improve the nutritional balance or performance of the total feed and is intended to be fed undiluted as a supplement to other feeds.

“the Act” means the Fertilizers, Farm feeds, Agricultural Remedies and Stock Remedies Act, 1947 (Act No 36 of 1947).

“the Department” means the Department of Agriculture.

“tolerance” means the permitted deviation in the natural variation of the stated value of an animal feed that occurs in manufacture, sampling and chemical analysis, where the deviation is expressed as a percentage of the stated value of the farm feed.

“trademark” means a mark to which the holder of the registration has the right, either as the owner or a registered user thereof, to distinguish his farm feed from that of other manufacturers but excludes the registered name of a farm feed as intended in these regulations.

Application for registration

- 2.(1) An application in terms of section 3(1) of the Act for registration of a farm feed shall be submitted to the Registrar on the form which is obtainable from him for this purpose, or on a clearly legible facsimile thereof on good-quality A4 size paper of the same colour as that of the form supplied by the Registrar for the application concerned.

Such application shall -

- (a) be made by a person residing in the Republic of South Africa, or, in the case of juristic person, who has a registered office in the Republic;
- (b) be accompanied by the applicable application fee;
- (c) be accompanied by two copies of a typed version of the details relating to the particular farm feed that will be marked on the immediate container in which it will be sold, or will be attached to the label of such immediate container, or by an example of an actual label which will be used for that product;
- (d) in the case of farm feeds being manufactured in facilities which are being used for the first time for the purpose of manufacturing farm feeds by the applicant, only be made after there has been a full inspection of the facilities by the Registrar and the Registrar is satisfied that the facilities are suitable and adequate for the manufacture of the farm feeds concerned and fully meet the requirements for establishments set out elsewhere in these Regulations. Where an farm feed facility has previously produced farm feed is then taken over by a new company or is no longer operated by the same legal entity that previously operated it, it shall be re-inspected before continuing operations. In the case of importers whose premises are outside the Republic of South Africa, the facilities shall have been inspected by the acceptable accredited foreign authority and recognised by South African authorities as accredited;
- (e) be accompanied, when required by the Registrar, a risk assessment.

Period of registration

- 3 (1) Subject to the provisions of sections 4 and 4A of the Act, an farm feed registration in terms of Section 3 of the Act shall be valid until 30 September of a calendar year.
- (2) In the event that a registration is granted after 1 July in a particular calendar year, such registration shall remain valid until 30 September in the following calendar year.

Renewal of registration

- 4(1) An application in terms of section 3(4)(a) of the Act for renewal of registration of a animal feed shall be submitted to the Registrar on either a form available to the Registrar on a form which is obtainable for this purpose, or on good-quality A4 size paper of the same colour as that of the form supplied by the Registrar for the application concerned.
- (2) Such an application shall -
- (a) be made by the person to whom the current registration certificate has been issued;
 - (b) be postmarked or courier dispatched by the applicant no later than 30 September of the year in which registration lapses;
 - (c) be accompanied by the applicable application fee indicated in paragraph B of Table 1
 - (d) be accompanied by two copies of all labels currently used in connection of the sale of the animal feed, provided that the registrar depending on circumstances may exempt this.
- (3) (a) Apart from the provisions of sub-regulation 2(b) above, an application under sub-regulation 3(2) received by the Registrar 30 days after the expiry date of a particular year, will be considered only if it is in addition to the applicable application fee referred to in paragraph C of Table 1;
- (b) which is received by the Registrar after the days of grace referred to in sub- regulation 3 (a) expired, will not be considered and an application for the registration of the animal feed concerned may be made a new in terms of regulation 2 provided the fact that the animal feed was registered previously, shall not necessarily imply that it will again be acceptable for registration.
- (4) Anyone applying for renewal of a registration in terms of this regulation must submit a sworn statement that the information he supplies with such application for the particular animal feed, or a label used in connection therewith, does not deviate in any respect at all from the comparable details that have already been registered or approved with respect to that animal feed or label, provided that only the original of each application need be so attested.

Conditions for certain registrations and renewal of certain registrations

5. Registration and the renewal of a registration of an animal feed, in terms of Section 3 of the Act, is granted on condition that during the period of registration or a renewal of registration -
- (a) the composition of the particular animal feed does not deviate by more than the allowable deviation under which it was registered;
 - (b) the details approved for use on a label or immediate container for sale of the particular animal feed may not be altered without the prior written approval of the Registrar; and
 - (c) the particular registration may not be transferred in any manner or aspect to anyone else.

Application for amendment of certain registrations and approved labels

- 6(1) In the event that any amendment to the registered composition or a change to the details approved for use on the label are contemplated by the registration holder during the period of registration, the registration holder shall apply to the Registrar under Regulation 2.1 above.
- (2) Such an application for amendment shall be accompanied by the applicable documents, the current registration certificate and application fee stated applicable under Regulation 2(2)(b), on the proviso that the Registrar may waive the application fee should the particular change or amendment be either in the public interest, or is effected on the insistence of the Registrar.

Existing and new registration numbers

- 7(1) In cases where significant changes have been made to a product's guaranteed analysis or a product's specification has been changed relating to new claims and resulting from guarantees and/or ingredient changes which have not previously been claimed, a new application for registration shall be submitted in order to allow the granting of a new registration number. A written request must accompany the application to retain the existing registration number, which will be allowed should conditions and circumstances warrant this.
- (2) Where the registration holder changes, for example as a result of corporate restructuring or a change in business ownership or control, the Registrar shall be advised of such change by letter in affidavit form on or before the effective date of such change. Where the products which are already registered in the name of such holder have not undergone a change in specification within the meaning of 7 (1), a new registration number may not be required. However, the new registration holder shall be obliged to submit a new label(s) with the new registration holder's details. This application shall be made within two months of the effective date of the change.

Return of registration certificate

8. A registration certificate that is returned under Section 4A(3) of the Act should reach the Registrar –
 - (1) within 14 days of the day on which –
 - (a) the person to whom the particular registration certificate has been issued, is informed in writing in terms of section 5 of the Act of the reason for cancellation of such registration; or
 - (b) the registration of the animal feed has expired in terms of section 4A(2) of the Act; or
 - (2) at least 30 days prior to the date on which the registration is transferred to another person; provided that the registration envisaged in regulation 2 for the particular animal feed in favour of such other person shall be submitted concurrently.

Submission of appeals

- 9(1) An appeal in terms of section 6 of the Act shall be submitted to the Director-General of Agriculture within 60 days of the date on which the reason for which the decision has been furnished in terms of section 5 of the Act.
- (2) Such an appeal shall –

- (a) be in the form of a written statement which is sworn or affirmed as envisaged in regulation 2.3(4);
 - (b) state the reference number and date of the notification by which such person or applicant has been informed of that decision;
 - (c) indicate the grounds on which the appeal is based;
 - (d) be accompanied by the documents relating to the subject of the appeal;
 - (e) be accompanied by an applicable fee.
- (3) The person who appeals may be represented by a third party, in which case the appeal application shall be accompanied by a power of attorney attesting to the fact that such third party is empowered to act for him.
- (4) The applicable fee within the meaning of regulation 9(2)(e) shall be paid by cheque, postal order or money order in favour of the Director-General; Agriculture, provided that such amount may be paid in cash if the appeal concerned is delivered by hand.

Address for submission of appeals

10. An appeal within the meaning of Regulation 9(1) must -
- (a) When submitted by post, be addressed to the Director-General, Department of Agriculture, Private Bag X343, Pretoria 0001; or
 - (b) When delivered by hand or private courier service, be delivered to The Director-General, Department of Agriculture, Agriculture Building, Beatrix Street 20, Pretoria.

Conditions for registration of animal feeds

- 11 (1) A product may be registered as an animal feed if -
- (a) it possesses the applicable properties specified in these regulations and guidelines;
 - (b) depending on its nature, it is available for sale as grit, meal, cubes, pellets, crumbs, liquid or in any other form in which it can be consumed by animals; and
 - (c) it conforms to the requirements of these regulations and the guidelines
- (2) A product-
- (a) not specifically provided for in these regulations, or containing a feed ingredient likewise not provided for;
 - (b) containing a feed ingredient in excess or less than the quantity provided for in these regulations;

may be registered as an animal feed if the Registrar is satisfied, based on supporting scientific documentation, that such product or ingredient will not be injurious to or endanger the health or detrimentally affect the productive capacity of animals to which such product is fed.

- (3) A product containing feed grade urea or another non-protein nitrogen source may be registered as a animal feed if -
- (a) it is intended for ruminants only; and
 - (b) it complies with the conditions set out in these regulations and the guidelines.

Requirements for Custom Mixes

- 12(1) A person managing the undertaking where animal feeds are manufactured, shall, in respect of each batch or series of the different animal feeds, manufactured, controlled, packed, marked or labelled there, keep comprehensive records of -
- (a) the results of quality checks made on the feed ingredients used in the manufacture of the animal feed comprising such batch or series and of each such animal feed;
 - (b) each date on which a quantity of such batch or series was sold, the names and addresses of the purchaser to whom each such quantity was sold, and the quantity thereof which was sold to each such person;
 - (c) the name and address of the person on whose behalf the animal feed was prepared;
 - (d) the composition and mixing instructions, as well as the purpose for which it is needed;
 - (e) the quantity mixed;
 - (f) the signature of and date on which the person on whose behalf the animal feed was prepared, submitted a request.
- (2) Where the animal feed is not sold in a container, the label or invoice shall contain the following information:-
- (a) name and address of the person who placed the order;
 - (b) the words "not for public sale";
 - (c) the name of the product or for which purpose the product is intended;
 - (d) the mass of the product;
 - (e) the name and address of the manufacturer; and
 - (9) all medicinal and NPN warnings as required in the guidelines
- 13(1) An animal feed shall -
- (a) be sold in containers which are sound and clean;
 - (b) must conform to the specific regulation requirements as set out in these regulations and guidelines.
- (2) Notwithstanding the provisions of these regulations an animal feed may be sold other than in containers, if -
- (a) it corresponds in all respects to the same product sold in containers; and
 - (b) the provisions of these regulations are met.

Marking and Labelling of Animal Feeds

14 (1)(a) A container in which animal feed is sold shall be marked in clearly legible symbols, letters and figures with, or be furnished with, a label on which is indicated —

- (i) the trade name, if any, under which such animal feed is **sold**;
- (ii) the type of animal feed, as indicated in the guidelines and, if applicable, the grading;
- (iii) the registration number of such animal feed together with a reference to the Act, expressed as "Reg No _____ Act No. 36 of 1947";
- (iv) an indication of the composition of such animal feed, expressed in the form and manner contemplated in sub-regulation (2) and as set out in the guidelines;
- (v) subject to the provisions of the Trade Metrology Act, 1973 (Act No. 77 of 1973), the quantity of animal feed in such container at the time of packing;
- (vi) the name and address of the person in whose favour such animal feed is registered;
- (vii) the number of the batch from which the animal feed in such container originates;

(b) Such information shall appear in the sequence as specified in the guidelines.

(2)(a) An indication of the composition of animal feed in terms of sub-regulation (1)(a)(iv) shall reflect the name of each of its nutrients, as well as the actual minimum or maximum contents, as the case may be, of each such nutrient.

(b) The particulars required in terms of paragraph (a) shall appear in the expression "minimum or maximum" may be expressed as specified in the guidelines.

(c) If animal feed contains feed grade urea or another non-protein nitrogen source, the protein equivalent of such urea or other non-protein nitrogen source, expressed as a percentage of the total protein content shall appear in parentheses together with an indication of the protein content of such animal feed: Provided that the urea content is also indicated.

(3) In addition to the information referred to in sub-regulation (1) and (2), there shall also

(a) in the case of animal feed to which a premix is added, or to which a substance possessing medicinal properties is added, be indicated —

- (i) whether the substance concerned was added as a therapeutic remedy, as a growth stimulant or for another purpose, which shall be specified; and
- (ii) if applicable, the period during which such animal feed or water should be withheld from animals intended for slaughtering;

(b) in the case of animal feed to which a stock remedy is added, those particulars which, in terms of the registration of the stock remedy in question, shall be indicated or otherwise a label of such stock remedy may be affixed to the container of the animal feed;

- (4) Any other information prescribed in terms of the regulations or guidelines for the registration of animal feeds.

Invoices for Animal Feeds

- 15(1) An invoice given or sent in terms of section 9 of the Act in respect of animal feed which is not sold in a container, shall indicate –
- (a) the particulars required in terms of regulation 4; provided that such particulars may be omitted from an invoice if a label which would otherwise have been affixed to a container is supplied together with such invoice;
 - (b) the names and addresses of the seller and the purchaser of such animal feed;
 - (c) the date on which such animal feed was sold in this manner; and
 - (d) the quantity of such animal feed which was sold in this manner.
- (2) A copy of an invoice referred to in sub-regulation (1) shall be preserved by the seller of animal feed for at least two years after the date on which such animal feed was sold in this manner.

Registration requirements for feed ingredients

- 16(1) All feed ingredients must conform to the conditions and registration requirements as set out in the applicable Annexures of the Guidelines.
- (2) Feed ingredients must be labelled according to the definitions in the applicable Annexure in the Guidelines.

Registration requirements for Enzymes, Micro-organisms and their preparations

- 17 (1) All enzymes, micro-organisms and their preparations must conform to the conditions of registration as set out in the guidelines.
- (2) All enzymes, micro-organisms and their preparations must be labelled and marked as specified in the guidelines.

Publication or distribution of false or misleading advertisements

- 18(1) No person may publish or distribute a false or misleading advertisement for an animal feed.
- (2) Specific scientific claims must be submitted for approval to the Registrar.
- (3) Not all advertising shall require approval but must conform to the standards of the Advertising Standards Authority of South Africa

Harbours and Ports through which imports may occur

- 19(1) Farm feeds may only be imported through the ports referred to in guidelines.
- (2) Notwithstanding the provisions of sub-regulation 1 the Registrar may, on the written request of the person to whom the registration certificate has been issued in terms of section 3, read in conjunction with section 16(1) of the Act

for an animal feed authorise the import of a particular consignment thereof through a port of entry other than those mentioned in Guidelines.

Practices to be followed at establishments

- 20(1) The practices in respect of the operation of the undertaking at an establishment, which relate to the manufacture, control, packing, marking or labelling of an animal feed for the purpose of sale shall be such that the composition of the animal feed in question shall comply with the particulars registered in respect thereof, and that it possesses all the chemical, physical and other properties so registered.
- (2) The company shall establish and document a quality management plan, that must conform to the specific conditions of good manufacturing practises as set out in the guidelines. This plan shall document how the critical points are controlled in the order of the production process.
- (3) Feed ingredients to be used during the manufacture of an animal feed and the animal feed manufactured therefrom shall be handled and stored at the premises of an establishment in such a manner that -
 - (a) they are protected against damage, contamination and deterioration;
 - (b) different feed ingredients and animal feeds are kept separate from each other and from anything else;
 - (c) access to the different feed ingredients and animal feeds can readily be obtained.
- (4) The names of the feed ingredients used in the manufacture of an animal feed shall be marked clearly and legibly on the containers thereof, with the provision that if such feed ingredients are stored in bulk, the names of such feed ingredients shall be shown on the containers in which or the places at which they are stored in this manner.
- (5) The feed manufacturer shall draw up, establish and maintain a documented quality system as a means of ensuring that products and consignments of feed ingredients used in the manufacture of an animal feed, and of the animal feed manufactured therefrom, shall conform to requirements. Records shall be kept of such checks in accordance with Regulation 22 below.
- (6) Any person at an establishment who is responsible for the manufacture, control, packing, marking or labelling of an animal feed shall have the knowledge of the practices to be followed in the operation of the undertaking at such an establishment, and of the provisions of the Act and these regulations which, in the opinion of the Registrar, are sufficient for the performance of the duty imposed upon such person. Such persons shall further possess the necessary skills for the manufacture of products which are not hazardous to human or animal health or detrimental to the environment.
- (7) In the event that an animal feed is not packed and marked or labelled immediately after manufacture, its name shall be shown on the containers in which or the places at which it is stored.

General requirements for establishments

- 21(1) The premises where an animal feed is manufactured, controlled, packed, marked, labelled or stored for the purpose of sale shall be kept orderly and clean.
- (2) The facilities and equipment which are available at an establishment shall be suitable for the purpose for which it is to be used to ensure that the composition of the animal feed normally manufactured, controlled, packed, marked, stored or labelled there complies with the particulars registered in respect thereof, and that such animal feed possesses the chemical, physical and other properties thus registered.
- (3) The area within the facility which is used to carry out a specific function in connection with the manufacture, control, packaging, labelling or warehousing of an animal feed shall be sufficient and appropriate for the proper execution of the particular function.
- (4) All facilities and equipment which are available at an establishment for the manufacture, control, packing, marking or labelling of animal feeds shall be maintained in good working order and shall be cleaned and serviced at regular intervals.
- (5) The establishment must also comply to the specific requirements of good manufacturing practises as set out in the Guidelines.
- (6) Any establishment where an animal feed is manufactured, controlled, packed, marked or labelled for the purpose of sale, shall be duly registered under the Occupational Health and Safety Act, 1993 (Act No. 85 of 1993).

Keeping of records

- 22 (1) A person managing the undertaking at an establishment shall, in respect of each batch or series of the different animal feeds manufactured, controlled, packed, marked or labelled there, keep comprehensive records of -
 - (a) the results of quality checks made under regulation 20(3) on the feed ingredients used in the manufacture of the animal feed comprising such batch or series and such animal feed;
 - (b) each date on which a quantity of such batch or series was sold, the names and addresses of the purchaser to whom each such quantity was sold, and the quantity thereof which was sold to each such person;
 - (c) the date on which each quantity thus sold was manufactured or the number of the batch or series from which each such quantity originated;
 - (d) complaints which were received in connection with the composition of such batch or series or the chemical, physical or other properties thereof;
 - (e) the formulation or batch reports of each product manufactured.
- (2) The feed manufacturer's administration shall be organised in such a way that products delivered can be traced to the receipt of animal feed raw materials, additives and veterinary medicines. The degree of traceability for tracing and retrieving products, shall be documented.
- (3) The records to be kept at an establishment in terms of sub-regulation (1), as well as the formula used for mixing each batch or series of an animal feed there, shall be preserved at the registered office of such establishment or

such other place as may on application be approved by the Registrar, for at least six months after the date of manufacture, except where a complaint is received under sub-regulation 1(b) in which case records relating to that particular animal feed may not be destroyed until two years after the date such a complaint was received.

Substances whose use is prohibited in mixed animal feeds

- 23(1) The use of the ingredients as contained in the applicable Annexure of the Guidelines, are prohibited in mixed animal feeds.
- (2) A product shall not be registered as an animal feed if -
- (a) it contains any feed ingredient of such nature or in such quantities that it could cause an interaction leading to the **loss** of one or more of the nutrients in that product such as to be below the intended nutritional requirement for that product.
 - (b) it consists of or contains any substance of animal origin, including excreta or other by-products, and which has not been sterilised beforehand to such extent that the infection or contamination of such product with *Bacillus anthracis*, organisms of the gas-gangrene type, other pathogenic or putrefactive organisms of viable micro-organisms or substances has been reduced to the level where such organisms or substances will be injurious to or endanger the health or detrimentally affect the productive capacity of animals to which such product is fed.

Ingredients allowed in mixed animal feeds

- 24 (1) The use of the ingredients as specified in applicable Annexure of the Guidelines is allowed, in mixed animal feeds unless designated otherwise in the definitions.
- (2) The bold print names in the applicable Annexure of the guidelines are acceptable ingredient names unless designated otherwise in the definitions.

Undesirable substances with limited use in animal feeds

- 25 (1) Feed ingredients for use in animal feeds may not be sold in the Republic of South Africa unless they are sound, genuine and of merchantable quality.
- (2) In particular, and subject to the provisions in the applicable Annexure of the Guidelines, feed ingredients for use in animal feeds cannot be considered as sound, genuine and of merchantable quality if the level of undesirable substances or products is **so** high as to make it impossible to respect the maximum levels fixed for mixed animal feeds in the applicable Annexure of the Guidelines.
- (3) The substances and products listed in the applicable Annexure of the Guidelines shall be tolerated in animal feeds only under the conditions set out therein.
- (4) The Registrar may authorise at his discretion that the maximum levels provided for in the applicable Annexure of the Guidelines in respect of animal feeds may be exceeded in the case of animal feed which **is** produced and used in the same geographical area and used on the same agricultural holding, where this is necessary for particular local reasons. The Registrar shall ensure that neither animal nor human health are endangered thereby.

- (5) The feed ingredients intended for use in animal feeds listed in the applicable Annexure of the Guidelines may be sold only if their content of the undesirable substance or product mentioned in the Annexure does not exceed the maximum level specified.
- (6) Where the content of the undesirable substance or product listed in the applicable Annexure of the Guidelines exceeds the level laid down in that Annexure, in respect of an unmixed animal feed, the feed ingredient listed in that Annexure may, without prejudice to sub-regulation (5), be sold only if it is intended for use by an establishment which has received written permission from the Registrar to do so, and if the undesirable substance or product concerned is accompanied by a document stating -
 - (a) that the feed ingredient is intended for manufacturers of mixed animal feeds who have been given permission by the Registrar;
 - (b) that the feed ingredient may not be fed unprocessed to livestock;
 - (c) the quantity of the undesirable substance or product contained in the feed ingredient.
- (7) Establishments wishing to sell the feed ingredients specified in subregulation (6) shall apply in writing to the Registrar for such permission. The Registrar may, at his discretion, inspect the establishment concerned, before either granting or refusing in writing the request for permission.
- (8) Complementary, supplement and concentrated animal feeds, may not, allowing for dilutions prescribed for their use, contain levels of the substances and products listed in the specified Annexure of the Guidelines in excess of those fixed for complete animal feeds.
- (9) Where a person, as a result of new information or of a reassessment of existing scientific information made since the provisions in question were adopted, has detailed grounds for establishing that a maximum content fixed in the applicable Annexure of Guidelines or a substance or product not listed therein constitutes a danger to animal or human health or the environment, that person shall inform the Registrar immediately, giving his reasons. The Registrar shall investigate the matter and shall call on technical advisors and the animal feed industry as necessary before deciding whether the Annexure should be modified.
- (10) The Registrar shall be entitled to inspect establishments at random, take random samples and take all necessary measures to ensure that animal feeds and feed ingredients conform to this Regulation.
- (11) Any person who possesses, or has possessed or has had direct contact with a consignment of animal feed or feed ingredient which does not comply with this Regulation shall immediately inform the Registrar, even if the destruction of the consignment is envisaged. The Registrar shall take the necessary measures to ensure that the necessary measures are taken to ensure that the consignment is not used in animal nutrition and that the final destination of the contaminated consignment, including possible destruction, cannot have harmful effects on public or animal health or on the environment.

Maximum and minimum levels of additives in animal feeds

26. Additives shall only be used in animal feeds if they appear in the applicable Annexure of the Guidelines.

Additives in supplementary and concentrated animal feeds

- 27 In the case of a complementary, supplementary and concentrated animal feed which contains any additive in excess of the maximum content specified for that additive in relation to the complete animal feed by applicable Annexure, the instruction for use shall state, according to the species and age of the animal, the maximum quantity in grams or kilograms of the animal feed to be given per animal per day, and shall be so formulated that, when they are correctly followed, the final content of the additive does not exceed the maximum so specified. This sub-regulation shall not apply to products delivered to manufacturers of mixed animal feeds or to their suppliers.

Maximum and minimum levels of stock remedies in animal feeds

- 28(1) Stock remedies shall only be used in animal feeds if they appear in the applicable Annexure of the guidelines.
- (2) Stock remedies shall only be used in animal feeds taking account of the maximum and minimum levels set in the applicable Annexure, such levels referring to complete animal feeds with a moisture content of 120g/kg.
- (3) The mixing of stock remedies shall only be permitted in premixtures and animal feeds where there is physio-chemical and biological compatibility between the components of the mixture in relation to the effects desired.
- (4) Where a person, as a result of new information or of a reassessment of existing scientific information made since the provisions in question were adopted, has detailed grounds for establishing that a stock remedy in the applicable Annexure constitutes a danger to animal or human health or the environment, that person shall inform the Registrar immediately, giving his reasons. The Registrar shall investigate the matter and shall call on technical advisors and the animal feed industry as necessary before deciding whether the Annexure should be modified.
- (5) Where a person, as a result of new information or technology or of a reassessment of existing scientific information, has grounds for registering a stock remedy which is not listed in the applicable Annexure to be included in that list that person shall inform the Registrar, providing a detailed dossier setting out all the scientific evidence. The Registrar will update this list annually.

Stock Remedies in supplementary and concentrated animal feeds

- 29 In the case of a complementary, supplementary and concentrated animal feed which contains any stock remedy in excess of the maximum content specified for that stock remedy in relation to the complete animal feed by the applicable Annexure of the Guidelines, the instruction for use shall state, according to the species and age of the animal, the maximum quantity in grams or kilograms of the animal feed to be given per animal per day, and shall be so formulated that, when they are correctly followed, the final content of the stock remedy does not exceed the maximum so specified.

Sampling of animal feeds

30. When a sample of an animal feed is taken at a plant or elsewhere than a plant in terms of Section 15(1) of the Act the person in charge of the undertaking or an officer as intended and authorised in terms of Section 2(2)(a) of the Act shall take such sample by using a method that is appropriate according to his or her discretion; on the understanding that should the holder of the

registration, his employee, agent or any other witness sign the certificate relating to the sample taken, the method of the sampling cannot become the subject of dispute.

Analysis method

31. In the case of a dispute only methods of analysis as determined by the Agri-Laboratory Association of Southern Africa (ALASA), may be used: on the understanding that the Registrar may recognise any other internationally recognised method of analysis as may be modified from time to time.

Tolerances

32. An animal feed is not considered to have a deficiency of one or another of its registered nutrients as long as it is within the limits set out in the applicable Annexure of the Guidelines.

Offences and Penalties

33. Anyone who refuses or omits to comply with the provisions of these regulations shall be guilty of an offence and upon conviction shall be liable to a fine or imprisonment for a period or to both the fine and imprisonment.

Payment of fees

- 34(1) The postal charges on and the delivery costs of an application or section submitted under these regulations as well as the postal charges and the delivery costs of anything else in connection therewith must be paid by the sender.
- (2) Monies payable under these regulations must be paid by cheque, postal order or money order in favour of the Director-General of Agriculture. If such monies are delivered by hand, they may be paid in cash in which case a receipt shall be issued.
- (3) Monies paid under these regulations, except those paid under Section 6 of the Act, are not refundable.

Address for submission

35. An application or item or anything connected therewith that under these Regulations has to be submitted to the Registrar, must -
- (a) When sent by post, be addressed to - The Registrar: Act No. 36 of 1947, Private Bag X343, Pretoria, 0001; and
- (b) When sent by rail, delivered by hand, or delivered by a private courier service, be addressed to or delivered to - The Registrar: Act No. 36 of 1947, Agricultural Building, Beatrix Street 20, Pretoria.

Repeal of Regulations

36. The following Regulations are hereby repealed in as much as they apply to animal feed -
- 36.1 Regulations relating to Animal feeds, Government Notice No R 1359 of 27 June 1980.

- 36.2 Regulations relating to the registration of fertilizers, animal feeds, Agricultural Remedies, Stock Remedies, Sterilizing Plants and Pest Control Operators, appeals, imports and Amendments to and repeal of certain regulations Government Notice No R1449 of 1 July 1983.
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TABLE 1

Application fees

37(A)	Application for registration of -	
(a)	a fertilizer, animal feed or sterilizing plant	R892
(b)	an agricultural remedy or a stock remedy	R1 800
(c)	a pest control operator	R400
(B)	Application for the renewal of the registration of -	
(a)	a fertilizer, animal feed or sterilizing plant	R472
(b)	an agricultural remedy or a stock remedy	R892
(c)	a pest control operator	R262
(C)	Payment in addition to that specified in paragraph B, in case of a late application for the renewal of the registration, of -	
(a)	a fertilizer, animal feed or sterilizing plant	R354
(b)	an agricultural remedy or a stock remedy	R669
(c)	a pest control operator	R120
(D)	An appeal in terms of section 6 of the Act	R3 000
(E)	Payment for information and documentation:	
(a)	Application form and instructions	R45,00 per package
(b)	Certificate of free sale	R15,00 per certificate
(c)	Import permit	R10,00 per permit
(d)	Documents from own product files as requested by registration holders	R45,00 per request plus 50c per page