

NOTICE 497 OF 2006**DEPARTMENT OF AGRICULTURE****FERTILIZERS, FARM FEEDS, AGRICULTURAL REMEDIES AND STOCK REMEDIES
ACT, 1947 (ACT NO. 36 OF 1947)****PUBLICATION OF FARM FEEDS REGULATION (PET FOOD) FOR PUBLIC COMMENTS**

I, Angela Thoko Didiza, Minister of Agriculture hereby publish the Regulations relating to the Farm Feeds (Pet Food), 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
Registrar: Act No. 36 of 1947
National Department of Agriculture
Private Bag X343
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0001

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SCHEDULE

Definitions

1. Unless the content 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.

“all life stages” means gestation/lactation, weaning, growth, adult and senior life stages of an animal.

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

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

“balanced pet **food**” means a term that may be applied to a pet food or diet having all known required nutrients in proper quantities and proportion based upon recommendations of recognized 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 of symbol allocated to a batch of pet food by the manufacturer for trace-ability recall purposes.

“complementary pet **food**” means a pet food which is either a treat, or is a fresh, frozen or canned meat or fish product that does not meet all the daily feeding requirements of a pet animal;

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

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

“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 pet food.

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

“Immediate container” means in relation to an pet food, a container which is in direct contact with the pet food.

“ingredient statement” means a collective and contiguous listing on the label of the ingredients of which the pet food 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 pet food or produced on an immediate container in any possible manner and which states the details required in terms of these regulations for the particular pet food.

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

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

“mixed pet food” means a mixture of feed ingredients, whether or not containing additives,

for oral pet feeding in the form of a complete, supplementary or concentrated pet food and complementary pet food.

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

“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 temporary or irreversibly impaired and are therefore able to derive benefit from ingestion of pet food appropriate to their condition.

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

“pet food” means a pet food for pet animals.

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

“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 a 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.

“supplement pet food” 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 a pet food that occurs in manufacture, sampling and chemical analysis, where the deviation is expressed as a percentage of the stated value of the pet food.

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

“treat” means when used as a noun, means a composed pet food product that is not necessarily balanced or complete.

Application for registration

2.1 An application in terms of Section 3(1) of the Act for registration of a pet food must be submitted to the Registrar on the form which is obtained from him for this purpose, or a clearly legible facsimile thereof on good-quality A4 size paper of the same colour as the form supplied by the Registrar.

Such application must •

- (a) be made by a person residing in the Republic of South Africa, or, in the case of legal person, that legal person shall have a registered office in the Republic;
- (b) be accompanied by the applicable registration fee indicated in paragraph A of Table 1.

- (c) be accompanied by **two** copies of a typed version of the details relating to the particular pet food 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 pet food being manufactured in facilities which are being used for the first time for the purpose of manufacturing by the pet food 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 pet food concerned and fully meet the requirements for establishments set out elsewhere in these Regulations. Where pet food facility has previously produced pet food and 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 recognized 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 section **4** and **4A** of the Act, a pet food registration in terms of section 3 of the Act shall be valid to 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 pet **food** must be made on either a form available from the Registrar for the purpose or, on good-quality **A4** size paper of the same colour as the form supplied by the Registrar for the application concerned.
- (2) Such an application must
 - (a) depending on the case, be made by the person to whom the applicable 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 pet food with the proviso 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 a new application for the registration of the pet food concerned may be made

in terms of regulation 2, provided that the fact that the pet food was registered previously, shall not necessary 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 pet food 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 pet food or label, with the proviso that only the original of each application need be so attested.

Conditions for certain registrations and renewal of certain registrations

- 5(1) A registration and the renewal of a registration of a pet food, 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 pet food 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 pet food may not be altered without the prior written approval of the Registrar;
 - (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 should be accompanied by the applicable documentation, the current registration certificate and application fee stated applicable under regulation 2(1)(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 be made at the Registrar's insistence.

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 (1), a new registration number may not be required. However, the new registration holder shall be obliged to submit a new application form completed with the new registration holder's details and to pay an application fee. This application shall be made within one month of the effective date of the change.

Return of registration certificate

- 8(1)** registration certificate that is returned **interms** of section 4A(3) of the Act should reach the Registrar 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 withdrawal of such registration; or
 - (b) ~~the registration of the pet food has expired in terms of section 4 A(2) of the Act; or~~
- (2)** at least 30 days prior to the date on which the registration is transferred to another person, with the proviso that the registration envisaged in regulation 2 for the particular pet food 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 must be submitted to the Director-General of the Department of Agriculture within 60 days of the date on which the **reason** for which the decision of the Registrar was based 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 4(4);
 - (b) **contain** 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 indicated in paragraph D of Table 1;
- (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) above shall be paid by cheque, postal order or money order in favour of the Director-General, Department of Agriculture, with the proviso that the fee may be paid in cash if the appeal is delivered to the Department 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 X250, 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 pet foods

11.(1) A product may be registered as a pet food 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.

(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 or a nutrient, in excess or less than the quantity provided for in these regulations;

may be registered as a pet feed if the Registrar is satisfied, based on 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.

Requirements for the Registration of Pet Food Products

12(1) Applications for the registration of complete pet food products must satisfy the following requirements –

(a) Substantiation of nutritional adequacy

- (i) Complete pet foods shall be formulated to take into account current nutritional information. Complete pet foods shall only be registered if they contain minimum and maximum nutrients as specified in the applicable tables of the Guidelines. Where the digestibility of a complete pet food is higher than 65% on which the Tables are based, the corresponding corrections shall be made and evidence of the higher digestibility provided to the Registrar.
- (ii) The application for registration shall be accompanied by data attesting to the nutritional adequacy of the complete pet food. This shall be established by at least one of the following methods –
 - (a) submission of the full details of the nutritional profile of all relevant nutrients as specified in the applicable Tables of the Guidelines. All nutrients shall be corrected for moisture, energy and processing losses; or
 - (b) submission of the scientific results of a feeding trial using testing procedures as specified in the Guidelines; or
 - (c) submission of the full results of a chemical analysis of the finished pet food product. The data shall include

at least an analysis of those elements with asterisks in the applicable Table of the Guidelines. Applicants shall be at liberty to submit more comprehensive data if they so desire. The Registrar shall reserve the right to require the analysis of further elements in the table without asterisks in the event that he or she is of the opinion that such analysis is necessary in order to substantiate nutritional adequacy of a particular product. The costs of all analyses shall be borne by the applicant.

- (iii) Despite method A, B or C under (ii) above that is used to substantiate nutritional adequacy, the application shall be accompanied by an affidavit sworn by a director, manager or representative of the applicant attesting to the nutritional adequacy of the pet food.
 - (iv) With regard to registration applications for dry pet foods with a moisture content of more than 100 g/kg, the applicant shall provide the Registrar with additional stability data to prove that the product in question is stable enough to be stored and sold bearing in mind the weather conditions in the Republic of South Africa;
 - (v) With regard to registration applications for all semi-moist products the applicant shall provide the Registrar with additional stability data to prove that the product in question is stable enough to be stored and sold, bearing in mind the weather conditions in the Republic of South Africa;
 - (vi) With regard to registration applications for wet pet foods with a moisture content of more than 820 g/kg, the Registrar shall be entitled to request from the applicant supporting documentation and evidence attesting to the nutritional adequacy of the product in question in order to satisfy himself that the product should be registered;
 - (vii) In the case of complete pet foods for cats, manufacturers shall ensure that their products contain the minimum quantity of taurine required to maintain the health status of the cat, based on the most recent scientific information available, and taking into account that the availability of taurine from products, and in particular from moist products, is influenced by factors such as the feed ingredients used, processing and nutrient profile of the pet food;
 - (viii) Each company may establish families of products which are nutritionally similar to a lead product produced by that company of which the nutritional adequacy has been successfully substantiated. The other products within the established family must meet the criteria set out in the Guidelines;
 - (ix) Feeding guidelines will be checked for nutritional adequacy using the standards and formulations as specified in the Guidelines.
- (2) Applications for the registration of complementary pet food must satisfy the following requirements-
- (i) Pet chews, bones and toys and exercisers made of rawhide, wood or any man-made material, hooves, ears, ligaments and animal bones, whether flavour coated or unflavoured shall be exempt from registra-

tion unless any nutritional value or benefit to the animal is claimed on the label or labeling of the product (example digestibility, tartar control etc);

- (ii) No specific nutritional adequacy validation procedure shall be required for treats or complementary pet foods;
- (iii) Complementary pet foods and treats with a nutritional value, must show a guaranteed analysis on the label, as well as an ingredient statement, as per complete pet foods.

(3) Applications for the registration of pet foods for a particular nutritional purpose must satisfy the following requirements-

- (i) Where an applicant is seeking to register a pet food for a particular nutritional purpose, he shall submit to the Registrar appropriate substantiation demonstrating that the precise use, i.e. the particular nutritional purpose which he intends to attribute to the product, is in fact appropriate.

(b) Labels and labelling

- (i) All applications for new pet food products shall comply with the label under which they are sold and the labeling requirements as set out elsewhere in these regulations.

(c) "Best before" date

- (i) Dry pet food containers must carry a "best before" date, which is up to 12 months from date of manufacture and information in support of the 12 month self-life must be supplied to the Registrar with the application for registration.
- (ii) Wet pet food containers must carry a "best before" date, which is up to 24 months from date of manufacture and information in support of the 24 month self-life must be supplied to the Registrar with the application for registration.
- (iii) Registration applications which include a shelf-life greater than the 12 months for dry pet food or 24 months for wet pet food must include information substantiating this increase in shelf-life.

Publication or distribution of false or misleading advertisements

13(1) No person may publish or distribute a false or misleading advertisement for a pet food.

(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

14(1) Pet foods may only be imported through the ports referred to in Guidelines.

(2) Despite the provisions of sub-regulation 1, the Registrar may on written request of the person to whom the registration certificate for a pet food has been issued in terms of section 3 read with section 16(1) of the Act, authorize the import of a particular consignment thereof through a port of entry other than those mentioned in Guidelines.

Import Permits

- 15(1) Copies of all initial veterinary health import permits which grant the right to import pet foods shall be lodged with the Registrar as part of the application process.
- (2) In cases where the veterinary import permits have not yet been received by the applicant, registration may be granted conditionally and a registration number communicated to the applicant on the understanding that copies of the relevant permits shall be forwarded to the Registrar as soon as they become available to the applicant.

Practices to be followed at establishments

- 16 (1) The practices in respect of the operation of the undertaking at an establishment, which relate to the manufacture, control, packing, marking or labeling of a pet food for the purpose of sale shall be such that the composition of the pet food 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) Feed ingredients to be used during the manufacture of a pet food and the pet food 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 pet foods are kept separate from each other and from anything else;
 - (c) access to the different feed ingredients and pet foods can readily be obtained.
- (3) 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 a pet food, and of the pet food manufactured therefrom, shall conform to the relevant requirements. Records shall be kept of such checks in accordance with Regulation 18 below.
- (4) The company shall establish a quality management plan. This plan shall document how the critical points are controlled in the order of the production process. All relevant checks and Inspections are documented in this plan. In drawing up the quality control plan, attention shall be given to:
- (a) The referral to procedures and instructions for sampling of products, handling of samples, inspections and testing;
 - (b) frequency of tests, sampling, inspections and checks;
 - (c) responsible persons who carry out the tests, sampling, inspections and checks;
 - (d) equipment (test and inspection equipment) and proficiency which are necessary to control the quality standard;
 - (e) the requirements specified for testing and control.
- (5) Any person at an establishment who is responsible for the manufacture, control, packing, marking or labeling of a pet food 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 person 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.

- (6) The names of the feed ingredients used in the manufacture of an pet food 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.
- (7) In the event that an pet food is not packed and marked or labeled immediately after manufacture, its name shall be shown on the containers in which or the places at which it is stored.

General requirements regarding establishments

- 17(1) The premises where pet food 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 pet food normally manufactured, controlled, packed, marked, stored or labeled there complies with the particulars registered in respect thereof, and that such pet food 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, labeling or warehousing of a pet food 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 labeling of pet foods 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 practices as set out in the Guidelines.
- (6) Any establishment where a pet food is manufactured, controlled, packed, marked or labeled 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

- 18(1) A person managing the undertaking at an establishment shall, in respect of each batch or series of the different pet foods manufactured, controlled, packed, marked or labeled there, keep comprehensive records of -
 - (a) the results of quality checks made under regulation 16(3) on the feed ingredients used in the manufacture of the pet food comprising such batch or series and such pet food;
 - (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 organized 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 trace-ability 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 pet food 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 three months after the best before date, except where a complaint is received under sub-regulation 1(b) in which case records relating to that particular pet food may not be destroyed until two years after the date such a complaint was received.

Immediate Containers

19(1) A pet food shall -

- (a) be sold in immediate containers which are sound and clean; and
 - (b) fully comply with the provisions of the Trade Metrology Act, **1973** (Act No. **77** of **1973**), to the extent that they are sold in immediate containers that are sealed in such manner as required by the individual pet foods.
- (2) Pet food pack sizes may deviate from the provisions of the Trade Metrology Act, **1973** (Act No. **77** of **1973**), concerning pack size to the extent that agreement has been reached between the pet food industry association and the authority administering that Act.

9. Labelling and marking of pet **food** containers

20(1) A container in which a pet food is sold shall be either marked in clearly legible symbols, letters and figures, or have an affixed label, according to the layout and print specifications in the Guidelines. The following mandatory details shall appear on the container or label in a manner as prescribed in the Guidelines.

- (a) The type of pet food in question, i.e. whether it is a complete or complementary pet food, and the pet for which it is intended.
- (b) The directions for proper use of the pet food including the purpose for which the pet food is intended and the life stages at which the pet food may be fed and in what quantities expressed in grams per day.
- (c) The quantities fed in grams per day must be based on the Metabolisable Energy (ME) content of the diet (determined or calculated) and based on the energy requirements as set out in the Guidelines.
- (d) The name, company registration number and address of the person in whose favour such pet food is registered.
- (e) The registration number of such pet food together with a reference to the Act, expressed as "Reg. No. Act No. **36/1947**".

- (f) A declaration of feed ingredients.
 - (g) A "Guaranteed Analysis Table", with required information and format as detailed in the Guidelines.
 - (h) Subject to the provisions of the Trade Metrology Act, 1973 (Act No. 77 of 1973), the net quantity of pet food in such container at the time of packing.
 - (i) Information which allows the consumer to readily ascertain whether the product is past its shelf-life, in one of the following two formats:
 - (i) A "best before" date shall be used for non-highly perishable products and shall be expressed as "best before.." followed by the date (indicating at least month and year).
 - (ii) A "use by" date shall be used for microbiologically highly perishable products to be expressed as "use by.." followed by the date (indicating day, month and year).
 - (j) Information which allows the product to be traced in the event of a product recall, if this information is not already inherent in the "best before" or "use by" date expressed under (i) above or the date of manufacture which may be presented in code, provided that the Registrar is advised in writing of the interpretation of the code system. This information may also be in the form of a batch number.
- (2) The labelling and marking of the pet food containers must comply to all conditions as specified in the Guidelines.

Substances whose use is prohibited in pet food

- 21(1) The use of the ingredients in the applicable Annexure as contained in the Guidelines, are prohibited in pet food.
- (2) A product shall not be registered as pet food 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 pet food

- 22(1) The use of the ingredients as specified in the applicable Annexure of the Guidelines is allowed, in pet food unless designated otherwise in the definitions.
- (2) The bold print names are acceptable ingredient names unless designated otherwise in the definitions.
- (3) All ingredients must conform and be registered according to these definitions.

Undesirable substances with limited use in pet food

- 23(1)** Feed ingredients for use in pet food 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 pet food 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 pet food in the applicable Annexure of the Guidelines.
- (3) The undesirable substances and products listed in the applicable Annexure of the Guidelines shall be tolerated in pet food 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 pet food may be exceeded in the case of pet food 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 is endangered thereby.
- (5) The feed ingredients intended for use in pet food 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 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 specified 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 pet food industry as may be necessary before deciding whether the Annexures should be modified.
- (7) The Registrar shall be entitled to inspect establishments at random, take random samples and take all necessary measures to ensure that pet food and feed ingredients conform to this Regulation.
- (8) Any person who possesses, or has possessed or has had direct contact with a consignment of pet food 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 pet food

- 24 Additives shall only be used in pet food if they appear in the specified Annexure of the Guidelines.

Additives in complementary, supplementary and concentrated pet food

- 25(1)** In the case of a complementary, supplementary and concentrated pet food which contains any additive in excess of the maximum content specified for that additive in relation to the complete pet food by the specified 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 pet food 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 pet food or to their suppliers.

- (2) The provisions of Regulation 24 shall not apply to additives, pre-mixtures and pet food that are shown, at least by an appropriate indication, to be for export to other countries.

Sampling of pet food

26. When a sample of pet food 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

27. 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 recognized method of analysis as may be modified from time to time.

Tolerances

28. Pet food 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 Annexure 7 of the Guidelines.

Offences and penalties

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

Payment of fees

- 30(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

An application or item or anything connected therewith that under these Regulations has to be submitted to the Registrar, must -

- 31(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

- 32.** The following Regulations are hereby repealed in as much as they apply to pet food:
- 32.1** Regulations relating to Farm Feeds, Government Notice No **R 1359** of **27 June 1980**.
- 32.2** Regulations relating to the registration of fertilizers, farm feed, 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**.

TABLE 1

Application fees

33(A)	Application for registration of:	
	(a) a fertilizer, farm 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, farm 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, farm 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