
GOVERNMENT NOTICE

DEPARTMENT OF HEALTH

No. R. 405

13 May 2011

FOODSTUFFS, COSMETICS AND DISINFECTANTS ACT, 1972 (ACT NO. 54 OF 1972)

REGULATIONS – SOFT DRINKS: DRAFT AMENDMENT

The Minister of Health intends, in terms of section 15 (1) of the Foodstuffs, Cosmetics and Disinfectants Act, 1972 (Act No. 54 of 1972) to make the regulations in the Schedule.

Interested persons are invited to submit any substantiated comments or representations on the proposed draft amendments to the regulations, to the Director – General of Health, Private Bag X828, Pretoria, 0001 (for the attention of the Director: Food Control), within three months of the date of publication of this notice.

SCHEDULE

1. In these regulations, “**the Regulations**” means the regulations published under Government Notice No. R. 1769 of 9 August 1985, as amended.

Amendment of the definitions of the Regulations

2. The definitions of the Regulation is amended by the addition of the following definitions:

“**caffeine**” means all caffeine present from whatever source in a formulated caffeinated beverage or cola beverage.

“formulated caffeinated beverages” means a non-alcoholic water-based flavoured beverage which contains caffeine and may contain carbohydrates, amino-acids, vitamins and other substances, including other ingredients, for the purpose of enhancing mental performance.

Amendment of the Regulations

3. The schedule of additives provided in regulation 2 is amended by:

(a) The correction of the word “caffein” in column I, to read “caffeine”

(b) The addition of the [^] symbol in column II next to the * symbol for caffeine and following symbol and wording in the foot note of the schedule below the * symbol and wording: “[^] No limit in formulated caffeinated beverages only, subject to the provisions of Regulation 4 (3)(a), (b) and (c)”

4. Regulation 4 is amended by the addition of the following sub-regulation:

(3) Formulated caffeinated beverages that contain above 150mg/l caffeine shall:

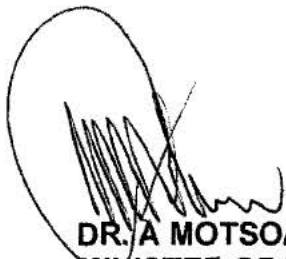
(a) bear the following message on the main panel of the label, in bold capital letters not less than 3.0 mm in height: **“HIGH CAFFEINE CONTENT”**.

(b) bear the following message which is clearly legible, in capital letters not less than 3.0 mm in height: **“NOT RECOMMENDED FOR CHILDREN UNDER 12 YEARS OF AGE, PREGNANT WOMAN, PERSONS SENSITIVE TO CAFFEINE AND NOT TO BE CONSUMED AS A MIXTURE WITH ALCOHOL BEVERAGES ”**

(c) The label on the package shall include declarations on the quantity of caffeine per serving size and per 100ml, expressed in milligrams or “mg”.

Commencement

5. These regulations come into effect six (6) months after the publication of the final amendment regulation

A handwritten signature in black ink, consisting of a large, stylized 'M' followed by a series of loops and a final flourish.

DR. A MOTSOALEDI, MP
MINISTER OF HEALTH
DATE: 13-4-2011