
GOVERNMENT NOTICE

DEPARTMENT OF HEALTH

No. R. 317

17 April 2012

FOODSTUFFS, COSMETICS AND DISINFECTANTS ACT, 1972

(ACT NO. 54 OF 1972)

REGULATIONS – SOFT DRINKS: AMENDMENT

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

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 Regulations are 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 or non-flavoured beverage which contains added caffeine and may contain other substances, including ingredients, for the purpose of enhancing mental or physical performance.

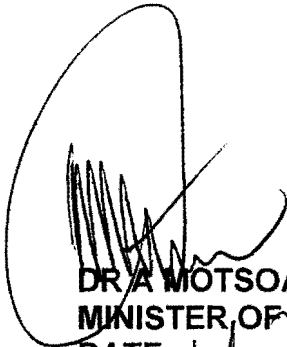
Amendment of the Regulations

3. The table of additives 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 I next to the asterisk * symbol for caffeine.
 - (c) The addition of a symbol and wording: "^ No limit in formulated caffeinated beverages only, subject to the provisions of Regulation 4 [3 (a) – (c)]", underneath the table.

4. Regulation 4 is hereby amended by the addition of the following text, underneath sub-regulation (2):
 - (3) Formulated caffeinated beverages that contain more than 150 mg per litre (mg/L) caffeine shall:
 - (a) indicate the following clearly legible message on the main panel of the label; meaning in the same field of vision as the name under which the product is sold, in letters of which the smallest letter is not less than 3.0 mm in height: "High caffeine content"
 - (b) indicate the following clearly legible message on the label, not less than 1.3 mm in height: "Not recommended for children under 12 years of age; pregnant or lactating women; persons sensitive to caffeine "
 - (c) On the label, include a declaration on the quantity of caffeine, per single serving size and per 100 ml, expressed in milligrams or "mg", in one of the following ways:
 - (i) In or directly under the nutritional table; or
 - (ii) adjacent to or below the message " High caffeine content"; or
 - (iii) in the list of ingredients, in brackets following "caffeine".

Commencement

5. These regulations will come into effect twelve (12) months after the publication of the final amendment; provided that following the mentioned date, for the purpose of compliance monitoring, the date of manufacture of formulated caffeinated beverages will be considered the date from which full compliance to the provisions of these regulations are applicable.



DR A MOTSOLEDI, MP
MINISTER OF HEALTH
DATE: 12/3/2012