

**No. R. 401****2 May 2014****LIQUOR PRODUCTS ACT, 1989****(ACT No. 60 OF 1989)****REGULATIONS: AMENDMENT**

The Minister of Agriculture, Forestry and Fisheries has, under section 27 of the Liquor Products Act, 1989 (Act No. 60 of 1989), made the regulations in the Schedule.

**SCHEDULE****Definition**

1. In this Schedule "the Regulations" means the regulations published by Government Notice No. R. 1433 of 29 June 1990, as amended by Government Notices Nos. R. 838 of 19 April 1991, R. 2841 of 29 November 1991, R. 2079 of 24 July 1992, R. 2593 of 11 September 1992, R. 2791 of 2 October 1992, R. 3152 of 20 November 1992, R. 1376 of 30 July 1993, R. 2350 of 10 December 1993, R. 356 of 25 February 1994, R. 636 of 8 April 1994, R. 1022 of 27 May 1994, R. 2242 of 23 December 1994, R. 394 of 17 March 1995, R. 1695 of 3 November 1995, R. 1876 of 8 December 1995, R. 501 of 29 March 1996, R. 1038 of 8 August 1997, R. 1141 of 29 August 1997, R. 833 of 26 June 1998, R. 1078 of 28 August 1998, R. 24 of 8 January

1999, R. 70 of 22 January 1999, R. 672 of 28 May 1999, R. 951 of 6 August 1999, R. 21 of 12 January 2001, R. 349 of 20 April 2001, R. 678 of 27 July 2001, R. 343 of 7 March 2003, R. 77 of 3 February 2006, R. 814 of 11 August 2006, R. 846 of 14 September 2007, R. 171 of 15 February 2008, R. 555 of 22 May 2009, R. 413 of 21 May 2010 and R525 of 13 July 2012.

#### Amendment of regulation 1 of the Regulations

2. Regulation 1 of the Regulations is hereby amended –

(a) by the substitution for the definition of "natural wine" of the following definition:

"'natural wine' means wine of which the alcohol content is at least 4,5 per cent but less than 16,5 per cent; and

(b) by the insertion of the following definition after the definition of "customs and excise warehouse":

"'flavourant' means a substance not intended to be consumed as such, which is added in order to impart or modify odour or taste:".

#### Substitution of regulation 12 of the Regulations

3. The following regulation is hereby substituted for regulation 12 of the Regulations:

"Requirements for pot still brandy [7(1)(b); 27(1)(a) and (d)]

"12. Pot still brandy bottled after 31 December 2013 shall –

- (a) be distilled from the fermented juice of the product of the vine which is distilled under excise supervision in a pot still to an alcohol content of not more than 75 per cent;
- (b) be matured by storage for a period of at least three years, and up to eight years, in oak casks with a capacity of not more than 340 litres;
- (c) if matured for a period of more than eight years, be matured for the period exceeding eight years in oak casks with a capacity of not more than 1 000 litres; and
- (d) have an alcohol content of at least 38 per cent."

Amendment of regulation 13 of the Regulations

4. Regulation 13 of the Regulations is hereby amended by the substitution for the wording preceding paragraph (a) of subregulation (1) of the following wording:

"(1) Brandy shall consist of a mixture of not less than 30 per cent, calculated on the basis of absolute alcohol, pot still brandy referred to in regulation 12 and not more than 70 per cent, calculated on the basis of absolute alcohol –".

Substitution of regulation 14 of the Regulations

5. The following regulation is hereby substituted for regulation 14 of the Regulations:

"Requirements for vintage brandy [7(1)(b); 27(1)(a)]

14. (1) Vintage brandy bottled after 31 December 2013 shall consist of a mixture of –

- (a) not less than 30 per cent and not more than 80 per cent, calculated on the basis of absolute alcohol, of the product referred to in regulation 12(a), which has been matured for a period of at least eight years in oak casks with a capacity of not more than 340 litres; and
- (b) not more than 70 per cent and not less than 20 per cent, calculated on the basis of absolute alcohol, wine spirit referred to in regulation 13(1)(a) or a spirit referred to in regulation 13(1)(b) or a mixture of such wine spirit and spirit, which has been matured for a period of at least eight years in oak casks with a capacity of not more than 340 litres.

- (2) If the mixture or percentage thereof as referred to in subregulation (1) is matured for a period of more than eight years, it shall be matured for the

period exceeding eight years in oak casks with a capacity of not more than 1 000 litres.

(3) Vintage brandy shall have an alcohol content of at least 38 per cent."

Amendment of regulation 29 of the Regulations

6. Regulation 29 of the Regulations is hereby amended –

(a) by the substitution for the wording preceding paragraph (a) of subregulation (3) of the following wording:

"(3) The sugar content, expressed as invert sugar, of a spirit-based liquor shall –"; and

(b) by the substitution for subregulation (4) of the following subregulation:

"(4) The flavour, taste and character of a spirit-based liquor shall be clearly distinguishable from that of wine or a class of wine or of a spirit or a class of spirit."

Amendment of regulation 30 of the Regulations

7. Regulation 30 of the Regulations is hereby amended by the substitution for the wording preceding paragraph (a) of subregulation (2) of the following wording:

"(2) Subject to the provisions of subregulation (3) and unless specified otherwise in Table 6, a substance that may be added, in terms of subregulation (1), to –".

Amendment of regulation 31 of the Regulations

8. Regulation 31 of the Regulations is hereby amended by the substitution for subregulation (2) of the following subregulation:

"(2) Unless specified otherwise in Table 7, a substance which may in terms of subregulation (1) –

- (a) be removed from wine, may also be removed from the must from which that wine is produced;
- (b) be removed from an alcoholic fruit beverage, may also be removed from the fruit juice from which that alcoholic fruit beverage is produced; and
- (c) be removed from a grape-based liquor, may also be removed from the wine from which that grape-based liquor is produced."

Amendment of regulation 34 of the Regulations

9. Regulation 34 of the Regulations is hereby amended –

- (a) by the substitution for paragraph (a) of subregulation (1) of the following paragraph:

"(a) indicated in the same field of vision on one or more labels which are permanently attached to the container concerned: Provided that the expression referred to in regulation 33(1)(e), the lot identification referred to in regulation 33(1)(g) and the filling date referred to in regulation 33(1)(f) need not be indicated in the same field of vision as the other particulars referred to in regulation 33(1);"; and

- (b) by the substitution for paragraph (b) of subregulation (3) of the following paragraph:

"(b) The provisions of paragraph (c)(i), (ii) and (v) of subregulation (1) do not apply to the lot identification referred to in regulation 33(1)(g).".

#### Amendment of regulation 38 of the Regulations

10. Regulation 38 of the Regulations is hereby amended by the substitution for subregulation (3) of the following subregulation:

"(3) If a place name or a name referred to in section 11(3)(a)(i) or (ii) of the Act forms part of a name and address referred to in subregulation (1)(a), such place name or name shall –

- (a) be indicated on a label in such a manner that it is obviously part of the name and address concerned; and
- (b) be indicated in letters of the same colour, type and size and against the same background as the rest of the name and address concerned."

#### Substitution of regulation 42 of the Regulations

11. The following regulation is hereby substituted for regulation 42 of the Regulations:

##### "Exemptions [16(1)(b)(iii); 27(1)(a)]

An import certificate shall not be required in respect of products with an alcohol content of more than one per cent that are imported for drinking purposes –

- (a) and form part of the personal luggage of a person who arrives in the Republic, provided such products -
  - (i) in total do not exceed 12 litres in volume: Provided that such products produced and bottled in the Republic do not count towards the 12 litres; and
  - (ii) are not intended for sale, but solely for personal use by that person; and



- (b) by a Head of State or by a diplomatic or other foreign representative referred to in Item 406.00 of Schedule 4 of the Customs and Excise Act, 1964 (Act No. 91 of 1964), provided such importer provides the administering officer with -
- (i) an inventory in which full particulars of the products concerned are furnished;
  - (ii) a written undertaking that the products concerned will not be sold in the Republic; and
  - (iii) proof that he or she is a Head of State, or a diplomatic or other foreign representative referred to in Item 406.00 of Schedule 4 of the Customs and Excise Act, 1964 (Act No. 91 of 1964)."

Amendment of regulation 43 of the Regulations

12. Regulation 43 of the Regulations is hereby amended –

- (a) by the insertion after subparagraph (iii) of paragraph (c) of subregulation (4) of the following subparagraphs:
- "(iv) a certified copy of the identification document or, in the case of a legal person, the applicable registration document, of the importer; and
- (v) a letter of authority if the applicant is acting on behalf of the importer."; and

- (b) by the deletion of subregulation (5).

Substitution of regulation 44 of the Regulations

13. The following regulation is hereby substituted for regulation 44 of the Regulations:

"Exemption from payment of fees [16(2); 27(1)(a)]

44. In the case of –

- (a) an importer who is an officer who served overseas in a diplomatic capacity and returns to the Republic after completion of his or her term of duty;
- (b) an application for products intended solely for personal use;
- (c) an importer referred to in regulation 43(4);
- (d) an application for products intended as *bona fide* trade samples;
- (e) an application for products intended to be utilized for scientific purposes;  
and
- (f) an application for products intended to be utilized during national or international events,

the prescribed fees shall not be payable in respect of liquor products produced and bottled in the Republic, as well as the first 180 litres of other products:

Provided that –

- (i) the application concerned is accompanied by the documents referred to in regulation 43(4)(c)(i), (iii), (iv) and, if applicable, (v);
- (ii) in the case of an application referred to in paragraphs (a), (b) and (c) of this regulation, the exemption from payment of fees shall only apply to the first 24 litres of each lot of such other products that are identical in respect of container, composition and labelling;
- (iii) in the case of an application referred to in paragraphs (b), (d) and (e) of this regulation, the volume applied for, excluding products produced and bottled in the Republic, together with the total volume of products, excluding products produced and bottled in the Republic, imported under the provisions of this regulation by that importer during the 12 months preceding his or her application, does not exceed 180 litres; and
- (iv) in the case of an application referred to in paragraphs (d), (e) and (f) of this regulation, the application concerned is also accompanied by documentary evidence of the trade, scientific or national or

international event purposes, as the case may be, the products are intended for."

Amendment of regulation 45 of the Regulations

14. Regulation 45 of the Regulations is hereby amended by the substitution for subregulation (1) of the following subregulation:

"(1) A sample of a product shall not be required in the case of an application for an import certificate referred to in regulation 44(a), (b), (c), (d), (e) or (f), irrespective of the provisos of that regulation."

Amendment of regulation 46 of the Regulations

15. Regulation 46 of the Regulations is hereby amended by the substitution for paragraph (a) of subregulation (1) of the following paragraph:

"(a) referred to in regulation 44(a), (b), (c), (d), (e) or (f), irrespective of the provisos of that regulation; or".

Amendment of regulation 49 of the Regulations

16. Regulation 49 of the Regulations is hereby amended –

- (a) by the substitution for the wording preceding paragraph (a) of subregulation (1) of the following wording:

"(1) A liquor product that is imported in bulk shall not without the written permission of the administering officer, in the form of a certificate issued by the administering officer –"; and

- (b) by the insertion after paragraph (b) of subregulation (1) of the following paragraph:

"(c) prior to or after bottling, be exported to another country.".

#### Amendment of regulation 52 of the Regulations

17. Regulation 52 of the Regulations is hereby amended by the substitution for paragraph (b) of subregulation (7) of the following paragraph:

- "(b) (i) in the case of certified sparkling, red or fortified wine in glass containers, where the wine concerned was certified or found to be suitable for export, as the case may be, on the basis of the sensorial judgement by the board of a sample of the wine not more than 18 months before the date of lodging of the application concerned; or
- (ii) in the case of other certified wine in sealed containers, where the wine concerned was certified or found to be suitable for export, as the case may

be, on the basis of the sensorial judgement by the board of a sample of the wine not more than 12 months before the date of lodging of the application concerned;"

Amendment of regulation 53 of the Regulations

18. Regulation 53 of the Regulations is hereby amended by the deletion of paragraph (b) of subregulation (1).

Amendment of Table 1 of the Regulations

19. Table 1 of the Regulations is hereby amended –

- (a) by the substitution for the entry "Irsay Olivier" of the entry "Irsai Oliver (Irsay Oliver)";
- (b) by the substitution for the entry "Morio Muscat" of the entry "Morio Muscat (Muscat; Moscato)";
- (c) by the substitution for the entry "Muscat d'Alexandrie (Hanepoot)" of the entry "Muscat d'Alexandrie (Hanepoot; Muscat; Moscato)";
- (d) by the substitution for the entry "Muscat de Frontignan (Muskadel; Muscadel)" of the entry "Muscat de Frontignan (Muskadel; Muscadel; Muscat; Moscato)";

- (e) by the substitution for the entry "Muscat de Hambourg" of the entry "Muscat de Hambourg (Muscat; Moscato)";
- (f) by the substitution for the entry "Muscat Ottonel" of the entry "Muscat Ottonel (Muscat; Moscato)"; and
- (g) by the insertion in the alphabetically correct places of the entries "Grüner Veltliner", "Marsanne" and "Zanthe Korinthe".

#### Amendment of Table 2 of the Regulations

20. Table 2 of the Regulations is hereby amended by the substitution in columns 1 and 2 for the entries numbered 2, 3, and 4 of the following entries:

<b>Class</b>	<b>Specific requirements</b>
<b>1</b>	<b>2</b>
"2. Dry wine	The residual sugar content of the product shall not exceed 5,0 gram per litre, or not exceed 9,0 gram per litre if the total acidity expressed as gram of tartaric acid per litre is not more than 2 gram below the residual sugar content.
3. Semi-dry wine or Medium dry wine	The residual sugar content of the product shall be more than 5,0 gram per litre, but not exceed 12,0 gram per litre, or not exceed 18,0 gram per litre if the total acidity expressed as gram of tartaric acid per litre is not more than 10 gram below the residual sugar content.
4. Semi-sweet wine or Medium sweet wine	The residual sugar content of the product shall be more than 5,0 gram per litre, but less than 30,0 gram per litre."

Amendment of Table 4 of the Regulations

21. Table 4 of the Regulations is hereby amended by the substitution in columns 1, 2 and 3 for the entry numbered 2 of the following entry:

Class	Manner of production	Alcohol content	
		Minimum %	Maximum %
1	2	3	
"2. Cocktail	<p>1. The product shall be produced by the addition of herbs, natural extracts of herbs, other flavourants of vegetable origin or extracts thereof, flavourants that are nature-identical or egg, to wine in such a manner that the product has a distinctive taste and aroma which differs from that of wine or a class of wine.</p> <p>2. The wine used in the preparation of a cocktail shall comprise at least 50 per cent of the finished product.</p> <p>3. A cocktail, which contains a dairy product and has an alcohol content of 15 per cent or more, may be bottled only until 1 July 2015.</p> <p>4. A cocktail, which does not comply with the provisions of paragraph 2 and has an alcohol content of 15 per cent or more, may be bottled only until 1 July 2015.</p>	2,5	23,0".

Amendment of Table 5 of the Regulations

22. Table 5 of the Regulations is hereby amended by the substitution in columns 1, 2 and 3 for the entries numbered 1 and 2 of the following entries:

Class	Manner of production and requirements	Alcohol content	
		Minimum %	Maximum %
1	2	3	
"1. Liqueur	<p>The product shall be produced by –</p> <p>(a) macerating fresh or dried fruit, or peels thereof, or aromatic plants, or leaves, herbs, roots or seeds in a spirit;</p>	15,0	*



	(b) adding flavourants of vegetable origin or extracts thereof, or herbs or natural extracts of herbs, to a spirit; or (c) redistilling of the product obtained in terms of paragraph (a) or (b), and thereafter adding thereto a syrup containing honey or sugar derived from cane or grain, and, if applicable, colourant.		
2. Spirit cocktail	The product shall be produced by the addition of herbs, natural extracts of herbs, other flavourants of vegetable origin or flavourants which are nature-identical, egg or milk, and sugar derived from cane or grain to a spirit.	24,0	*".

#### Amendment of Table 6 of the Regulations

23. Table 6 of the Regulations is hereby amended –

- (a) by the substitution for the entry in column 2 opposite the substance "Carbon dioxide" in column 1 of the following entry:

<b>Liquor products to which substance may be added</b>
<b>2</b>
"Wine (excluding noble late harvest wine); alcoholic fruit beverage; grape-based liquor; spirits; spirit-based liquor";

- (b) by the insertion below the substance "Casein" in column 1 of the following entries in columns 1, 2 and 3:

<b>Name of substance</b>	<b>Liquor products to which substance may be added</b>	<b>Manner and conditions of addition</b>
<b>1</b>	<b>2</b>	<b>3</b>
"Chitin-glucan derived from <i>Aspergillus niger</i> "	Wine, alcoholic fruit beverage, grape-based liquor	In accordance with the provisions of note 1.

Chitosan derived from <i>Aspergillus Niger</i>	Wine, alcoholic fruit beverage, grape-based liquor	In accordance with the provisions of note 1.";
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- (c) by the substitution for the entry in column 2 opposite the substance "Dairy products" in column 1 of the following entry:

<b>Liquor products to which substance may be added</b>
<b>2</b>
"Spirit cocktail; cream liqueur";

- (d) by the substitution for the entry in column 2 opposite the substance "Herbs and natural extracts of herbs" in column 1 of the following entry:

<b>Liquor products to which substance may be added</b>
<b>2</b>
"Vermouth; cocktail; liqueur; spirit cocktail";

- (e) by the substitution for the entry in column 2 opposite the substance "Spirit derived from any harmless vegetable article" in column 1 of the following entry:

<b>Liquor products to which substance may be added</b>
<b>2</b>
"Vermouth; cocktail with an alcohol content of 15 per cent or more";

- (f) by the substitution for the entry in column 2 opposite the substance "Spirit derived from grapes" in column 1 of the following entry:

Liquor products to which substance may be added
2
"Wine (excluding late harvest wine, special late harvest wine, noble late harvest wine and sweet natural wine); vermouth; cocktail with an alcohol content of 15 per cent or more";

- (g) by the substitution for the entry in column 2 opposite the substance "Sugar of vegetable origin" in column 1 of the following entry:

Liquor products to which substance may be added
2
"Sparkling wines which undergo a second fermentation; alcoholic fruit beverage (excluding fortified apple and pear beverage); spirits; grape-based liquor (excluding grape liquor and flavoured grape liquor); spirit-based liquor";

- (h) by the insertion below the substance "Tartaric acid" in column 1 of the following entries in columns 1 and 2:

Name of substance	Liquor products to which substance may be added
1	2
"The final alcoholic product of the fermentation of fruit, which has been stripped of its character to the extent that the essential flavour and taste of the fermented alcoholic fruit product concerned have been lost.	Spirit-based liquor";

- (i) by the substitution for the substance "Tiamine" in column 1 of the substance "Thiamine"; and
- (j) by the insertion after the last row of entries, directly below the table, of the following:

"Notes:

1. (a) This substance may only be used for -
  - (i) reduction in the heavy metal content, particularly iron, lead, cadmium and copper;
  - (ii) prevention of ferric casse and copper casse;
  - (iii) clarification;
  - (iv) reduction of possible contaminants, especially ochratoxin A; and
  - (v) in the case of chitosan, reduction in the populations of undesirable micro-organisms, in particular *Brettanomyces*.
- (b) Dose levels shall be determined after a qualification test, but may not exceed -
  - (i) 100 g/hl for the applications referred to in paragraph (a)(i), (ii) and (iii) of this note;
  - (ii) 500 g/hl for the application referred to in paragraph (a)(iv) of this note; and

(iii) 10 g/hl for the application referred to in paragraph (a)(v) of this note.

(c) Sediments shall be removed using physical processes."

Amendment of Table 7 of the Regulations

24. Table 7 of the Regulations is hereby amended –

(a) by the substitution for the entry in column 3 opposite the entry "Tartrates and other substances which could affect the stability of a liquor product" in column 1 of the following entry:

Manner and conditions of removal
3
"By means of -  (a) cold stabilisation or, in the case of a grape-based liquor or alcoholic fruit beverage, also membrane diffusion or ion exchange resins;  (b) treatment with any of the applicable substances listed in column 1 of Table 6, under the applicable manner and conditions of addition set out in column 3 of that table;  (c) electrodialysis treatment in accordance with the provisions of note 2; or  (d) in the case of wine, cation exchange resins in accordance with the provisions of note 3."; and

(b) by the insertion after note 2 of the following note:

- "3. (a) The treatment shall be limited to the elimination of excess cations.
- (b) The wine shall first of all be cooled.
- (c) Only the minimum fraction of wine necessary to obtain stability shall be treated with cation exchange resins.
- (d) The treatment shall be carried out on acid-regenerated cation exchange resins.
- (e) To avoid the production of fractions of wine, the treatment shall be performed continuously, with in-line incorporation of the treated wine into the original wine.
- (f) Notwithstanding the provisions of paragraph (e) of this note, as an alternative, the resin may be directly introduced into a tank of must, in the quantities required, and then separated by any appropriate technical method.
- (g) Initial acidity shall not be raised by more than 54 *meg/l*.
- (h) If must and wine are treated, the cumulative net increase in acidity shall not exceed 54 *meg/l*.
- (i) The treatment shall not alter the nature of the wine.

- (j) The treatment shall not reduce the colour intensity of the wine.
- (k) The treatment shall not decrease the concentration of metallic cations in the wine below 300 *mg/l*.
- (l) The treatment shall not lower the wine's pH below 3.0 and a decrease in pH shall not exceed 0.3 pH units.
- (m) The resin shall not leave substances in the wine or impart to it characteristics, as a result of the resin-based treatment, that do not ordinarily exist in wine.
- (n) The treatment shall be carried out under the responsibility of an oenologist or specialist technician.
- (o) Conditioning agents and regenerants composed of water and inorganic acids, bases or salts may be used, provided that the conditioned or regenerated resin is washed in water until all conditioning agents and regenerants are removed before adding the wine."

#### Amendment of Table 8 of the Regulations

25. Table 8 of the Regulations is hereby amended -

- (a) by the substitution for the entry in column 2 opposite the entry "Sulphur dioxide" in column 1 of the following entry:

Maximum extent to which substance may be contained (mg/l)
2
"See note 2. Levels of this substance shall be determined using the aspiration method of analysis."; and

- (b) by the substitution for subparagraph (iv) of paragraph (b) of note 2 of the following subparagraph:

"(iv) wine destined for export in bulk, must contain at least 30 mg/l of free sulphur dioxide;"

#### Amendment of Table 10 of the Regulations

26. Table 10 of the Regulations is hereby amended by the insertion after the last row of entries of the following entries in columns 1 and 2:

Klasbenaming Class designation	Toelaatbare alternatief Permissible alternative
1	2
"21. Fino	Kaapse fino/ Cape fino
22. Amontillado	Kaapse amontillado/ Cape amontillado
23. Oloroso	Kaapse oloroso/ Cape oloroso
24. Bleek droog/ Pale dry	Kaapse bleek droog/ Cape pale dry
25. Bleek room/ Pale cream	Kaapse bleek room/ Cape pale cream
26. Medium room/ Medium cream	Kaapse medium room/ Cape medium cream
27. Volroom/ Full cream	Kaapse volroom/ Cape full cream".