

DEPARTMENT OF AGRICULTURE, LAND REFORM AND RURAL DEVELOPMENT

NO. R. 1154

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AGRICULTURAL PRODUCT STANDARDS ACT, 1990
(ACT No. 119 OF 1990)REGULATIONS RELATING TO COFFEE, CHICORY AND RELATED PRODUCTS INTENDED FOR SALE
IN THE REPUBLIC OF SOUTH AFRICA

The Minister of Agriculture, Land Reform and Rural Development has in terms of section 15 of the Agricultural Product Standards Act, 1990 (Act No. 119 of 1990) --

- (a) made the regulations in the Schedule; and
- (b) determined that the said regulations shall come into operation 12 months after date of publication thereof.

SCHEDULE

| Contents | Regulation |
|--|------------|
| PART I: DEFINITIONS, SCOPE AND RESTRICTIONS | |
| Definitions | 1 |
| Scope of regulations | 2 |
| Restrictions on the sale of coffee, chicory and related products | 3 |
| PART II: CATEGORIES OF AND STANDARDS FOR COFFEE, CHICORY AND RELATED PRODUCTS | |
| Categories of coffee, chicory and related products | 4 |
| Roasted coffee beans | 5 |
| Ground coffee | 6 |
| Instant coffee (soluble coffee extract) | 7 |
| Decaffeinated coffee and Decaffeinated instant coffee | 8 |
| Coffee essence (liquid coffee extract/ concentrate) | 9 |
| Mixed coffee (coffee mixture) | 10 |
| Chicory and chicory extracts | 11 |
| Coffee and chicory mixture | 12 |
| Coffee and chicory essence (liquid coffee and chicory extract/ concentrate) | 13 |
| Instant coffee and chicory extract | 14 |
| Chicory and coffee mixture | 15 |
| Instant chicory and coffee extract | 16 |
| PART III: CONTAINERS AND OUTER CONTAINERS | |
| Requirements for containers and outer containers | 17 |
| PART IV: MARKING REQUIREMENTS | |
| Marking of containers and outer containers | 18 |
| Indicating the product name | 19 |
| Additions to the product name | 20 |
| Additional particulars on the main panel | 21 |
| Additional particulars on the container | 22 |
| Indicating the name and address | 23 |
| Indicating the country of origin | 24 |
| Indicating the date marking or batch code or batch number | 25 |
| Restricted particulars on containers and outer containers | 26 |
| PART V: SAMPLING AND ANALYSIS | |
| Sampling | 27 |
| Analysis | 28 |
| PART VI: OFFENCES AND PENALTIES | |
| Offences and penalties | 29 |

**PART I
DEFINITIONS, SCOPE AND RESTRICTIONS**

Definitions

1. Any word or expression in these regulations to which a meaning has been assigned in the Act shall have that meaning, and unless the context otherwise indicates --

"address" means a physical address and includes the street or road number or name and the name of the town, village or suburb and, in the case of a farm, the name or number of the farm and of the magisterial district in which it is situated;

"agglomerated" means a process in which the spray dried particles (powder) are fused together to form large particles;

"assignee" means a person, undertaking, body, institution, association or board designated under section 2(3) of the Agricultural Product Standards Act, 1990 (Act No. 119 of 1990);

"batch" means a definite quantity of coffee, chicory or a related product produced essentially under the same conditions, and not exceeding 24 hours;

"best before date" or **"best quality before date"** means the date which signifies the end of period under any stated storage conditions during which the unopened product will remain fully marketable and will retain any specific qualities for which implied or express claims have been made, however, beyond the date the food may still be acceptable for consumption;

"chicory" means the powder obtained by roasting and grinding the cleaned and dried roots of *Cichorium intybus L.* usually used for the preparation of beverages;

"coffee" means the general term used for fruits and seeds of plants of the genus *Coffea*, usually the cultivated species such as for example *Coffea Arabica L.*, *Coffea Robusta Chev.*, *Coffea liberica Hiern*, as well as products from these fruits and seeds in different stages of processing and use which are intended for human consumption;

"container" means the immediate packaging in which coffee, chicory or a related product is presented for sale to the consumer, but excludes individual pods/ capsules and filter bags, as well as sealed bags (manufactured from aluminum foil or any other suitable material) containing such units that are packed inside a container;

"Executive Officer" means the officer designated under section 2(1) of the Act;

"food additive" means a permitted substance as defined in the regulations published under the Foodstuffs, Cosmetics and Disinfectants Act, 1972 (Act No. 54 of 1972);

"foodstuff" means a foodstuff as defined in the Foodstuffs, Cosmetics and Disinfectants Act, 1972 (Act No. 54 of 1972);

"freeze dried" means a process in which the product in the liquid state is frozen and the ice removed by sublimation, with the dried particles typically having a granular appearance;

"green coffee beans" means the dried seeds of any species of *Coffea*, separated from non-food tissues of the fruit;

"husk" means the assembled external envelopes (pericarp) of the dried coffee fruit;

"inspector" means an officer under the control of the Executive Officer, or an assignee or an employee of an assignee;

"label" means any tag, brand, mark, pictorial, graphic or other descriptive matter, which is written, printed,

stencilled, marked, embossed, impressed upon, or permanently attached to a container of a canned or pickled vegetables product, and includes labelling for the purpose of promoting its sale or disposal;

"main panel" means that part(s) of the container, outer container or label that bears the brand name or trade mark of the product in greatest prominence, or any other part of the container, outer container or label that bears the brand or trade name in equal prominence;

"outer container" means a carton or any other suitable packaging in which more than one container of coffee, chicory or a related product is packed, irrespective whether it completely or partially encloses the containers;

"premix" means a product that consists of coffee, chicory or a related product mixed with, for example sugar and/or milk powder and/or creamer, that is intended to be dissolved in hot or cold water to deliver a ready-to-drink beverage;

"related products" means the products referred to in regulations 7 to 10 and 12 to 16 that are intended for consumption as a beverage;

"roasting" means the heat treatment that produces fundamental chemical and physical changes in the structure and composition of green coffee, bringing about darkening of the beans and the development of the characteristic flavour of roasted coffee;

"spray dried" means a process in which the product in the liquid state is sprayed into a hot atmosphere and formed into dried particles in a powder form by evaporation of the water;

"sugar" means sugar as defined in the Codex Standard for Sugars (CODEX STAN 212-1999);

"the Act" means the Agricultural Product Standards Act, 1990 (Act No. 119 of 1990);

"trade mark" means a trade mark as defined in the Trade Marks Act, 1993 (Act No. 194 of 1993); and

"use by date" or **"expiration date"** means the date which signifies the end of the period under any stated storage conditions, after which the product should not be sold or consumed due to safety and quality reasons.

Scope of regulations

2. These regulations shall apply to coffee, chicory and related products intended for sale in the Republic of South Africa to which and under circumstances in which a prohibition in terms of section 3 of the Act regarding control over the sale of coffee, chicory and related products apply.

Restrictions on the sale of coffee, chicory and related products

3. (1) No person shall sell coffee, chicory and related products in the Republic of South Africa --
- (a) unless such products are sold according to the categories referred to in regulation 4;
 - (b) unless such products comply with the standards prescribed for each category referred to in regulations 5 to 16;
 - (c) unless the containers and outer containers in which such products are packed, comply with the requirements referred to in regulation 17;
 - (d) unless such products are marked in the manner and with the particulars referred to in regulations 18 to 25; and
 - (e) if such products are marked with any restricted particulars or in a manner which is prohibited in terms of regulation 26.
- (2) The Executive Officer may grant written exemption, entirely or partially, to any person on such

conditions, as he deems necessary, from the provisions of sub-regulation (1) above.

- (3) The restrictions in sub-regulation (1) above shall not apply to the sale of --
- (a) green coffee beans intended for further processing and/or roasting purposes;
 - (b) coffee, chicory and related products that are in the course of a business prepared and served on the premises in the ready-to-drink form to the consumer at, for example a restaurant, coffee shop, club, canteen, a fixed or mobile stall, or any other catering establishment;
 - (c) products based on coffee, chicory and related products that are due to their composition presented for sale to the consumer under a specific designation or variant name such as, but not limited to "Cappuccino", "Cafe latte", "Mocha", "Macchiato", etc. as --
 - (i) a ready-to-drink beverage (hot or cold) at, for example a restaurant, coffee shop, club, canteen, a fixed or mobile stall, or any other catering establishment; or
 - (ii) an instant powder at retail and other commercial outlets; and
 - (d) premix coffee, chicory and related products.

PART II

CATEGORIES OF AND STANDARDS FOR COFFEE, CHICORY AND RELATED PRODUCTS

Categories of coffee, chicory and related products

4. The categories of coffee, chicory and related products shall be as follows:
- (1) Roasted coffee beans.
 - (2) Ground coffee.
 - (3) Instant coffee (soluble coffee extract).
 - (4) Decaffeinated coffee and Decaffeinated instant coffee.
 - (5) Coffee essence (liquid coffee extract/ concentrate).
 - (6) Mixed coffee (coffee mixture).
 - (7) Chicory and chicory extracts.
 - (8) Coffee and chicory mixture.
 - (9) Coffee and chicory essence (liquid coffee and chicory extract/ concentrate).
 - (10) Instant coffee and chicory extract.
 - (11) Chicory and coffee mixture.
 - (12) Instant chicory and coffee extract.

Standards for categories of coffee, chicory and related products

Roasted coffee beans

5. (1) Roasted coffee beans means the whole green coffee beans of any species of *Coffea* (e.g. *Coffea Arabica* L., *Coffea Robusta* Chev., *Coffea liberica* Hiern, etc.) that have been --

- (a) properly cleaned, and that are free from any insect and fungal infestation; and
- (b) roasted to the desired intensity to achieve a certain flavour profile.

(2) The moisture content of the roasted coffee beans shall not exceed 5.0 percent (m/m) at the time of packing.

Ground coffee

6. Ground coffee shall --

- (a) consist of roasted coffee beans that have been ground so as to be suitable for making an infusion or decoction;
- (b) contain less than 1 percent (m/m) coffee bean husks when present;
- (c) be free from fungal infestation;
- (d) contain no chicory, added foodstuffs or food additives; and
- (e) not have a moisture content of more than 5.0 percent (m/m) at the time of packing.

Instant coffee (soluble coffee extract)

7. (1) Instant coffee (soluble coffee extract) --

- (a) shall consist of the dried soluble solids obtained by spray drying or freeze drying the water extraction of freshly roasted coffee beans;
- (b) shall contain only the soluble and aromatic constituents of coffee, apart from those insoluble substances which are not possible to remove and insoluble oils derived from coffee;
- (c) shall be in the free flowing powder, agglomerated or granule form; and
- (d) may contain food additives.

(2) Recovered volatile coffee aromas may be added to Instant coffee (soluble coffee extract).

Decaffeinated coffee and Decaffeinated instant coffee

8. (1) Decaffeinated coffee --

- (a) shall consist of freshly roasted decaffeinated green beans that have been ground to deliver a product similar to Ground coffee;
- (b) shall not contain more than 0.1 percent of anhydrous caffeine; and
- (c) may contain food additives.

(2) Decaffeinated instant coffee --

- (a) shall consist of the dried soluble solids obtained by spray drying or freeze drying the water extraction of freshly roasted decaffeinated green beans to deliver a product similar to Instant coffee (soluble coffee extract);
- (b) shall not contain more than 0.3 percent of anhydrous caffeine; and
- (c) may contain food additives.

(3) The extraction of caffeine from green coffee beans shall be achieved by any suitable means.

Coffee essence (liquid coffee extract/ concentrate)

9. Coffee essence shall --

- (a) consist of the concentrated essence or liquid extract obtained from Ground coffee, with or without the addition of glycerol and/ or sugar; and
- (b) not contain any added foodstuffs or food additives other than those mentioned in paragraph (a) above.

Mixed coffee (coffee mixture)

10. Mixed coffee shall consist of a mixture of Ground coffee and chicory only: Provide that Ground coffee shall constitute at least 75 percent (m/m) of the mixture.

Chicory and chicory extracts

11. (1) Chicory means the product as defined in regulation 1.

(2) Chicory extracts shall consist of the concentrated product obtained from water extraction of roasted chicory, but excludes any process of hydrolysis involving the addition of an acid or a base.

(3) Instant chicory (soluble chicory extract) shall --

- (a) consist of the dried soluble solids obtained by spray drying or freeze drying the water extraction of roasted chicory;
- (b) be in the powder, agglomerated, granule or other solid form; and
- (c) have a chicory-based dry matter content of at least 95 percent (m/m).

(4) Chicory extract paste shall --

- (a) consist of chicory extract in the paste form; and
- (b) have a chicory-based dry matter content of at least 70 percent (m/m), but not more than 85 percent (m/m).

(5) Liquid chicory extract shall --

- (a) consist of chicory extract in the liquid form; and
- (b) have a chicory-based dry matter content of at least 25 percent (m/m), but not more than 55 percent (m/m).

Coffee and chicory mixture

12. Coffee and chicory mixture --

- (a) shall consist of a mixture of Ground coffee and chicory: Provided that Ground coffee shall constitute at least 50 percent (m/m) of the mixture; and
- (b) may contain added sugar and/or food additives.

Coffee and chicory essence (liquid coffee and chicory extract/ concentrate)

13. Coffee and chicory essence shall consist of the concentrated essence or liquid extract obtained from the coffee and chicory mixture referred to in regulation 12, with or without the addition of glycerol and/ or sugar.

Instant coffee and chicory extract

14. Instant coffee and chicory extract --
- (a) shall consist of the dried soluble solids obtained by spray drying or freeze drying the water extraction of the coffee and chicory mixture referred to in regulation 12;
 - (b) shall be in the powder, agglomerated or granule form; and
 - (c) may contain added sugar and/or food additives.

Chicory and coffee mixture

15. Chicory and coffee mixture --
- (a) shall consist of a mixture of chicory and Ground coffee: Provided that chicory shall constitute at least 50 percent (m/m) of the mixture; and
 - (b) may contain added sugar and/or food additives.

Instant chicory and coffee extract

16. Instant chicory and coffee extract --
- (a) shall consist of the dried soluble solids obtained by spray drying or freeze drying the water extraction of the chicory and coffee mixture referred to in regulation 15;
 - (b) shall be in the powder, agglomerated or granule form; and
 - (c) may contain added sugar and/or food additives.

**PART III
CONTAINERS AND OUTER CONTAINERS**

Requirements for containers and outer containers

17. (1) A container in which coffee, chicory or related products is packed shall --
- (a) be manufactured from a material that --
 - (i) is suitable for this purpose;
 - (ii) will protect the contents thereof from contamination; and
 - (iii) will not impart any undesirable taste or flavour to the contents thereof;
 - (b) be so strong that it will not be damaged or deformed during normal storage, handling and transport practices;
 - (c) be intact and clean; and
 - (d) be closed properly in a manner permitted by the nature thereof.
- (2) If containers containing coffee, chicory or related products are packed in outer containers, such outer containers shall --
- (a) be intact, clean, neat, suitable and strong enough; and
 - (b) not impart any undesirable taste or flavour to the contents thereof.

**PART IV
MARKING REQUIREMENTS**

Marking of containers and outer containers

18. (1) Except where specifically prescribed, all other marking requirements as specified by these regulations shall be clearly legible and be indicated at least in English, in detached letters or figures of at least 1 mm in size for lower case vowels.

(2) Each container in which coffee, chicory and related products are packed shall be marked with the following particulars at least in English:

- (a) **The product name** and, where applicable, **the additions to the product name**, as specified in regulations 19 and 20 respectively, in detached letters of the same type, size, colour and font, prominently on at least one main panel in a letter size of at least 2 mm for lower case vowels: Provided that the name of the added flavourant (e.g. 'vanilla', etc.) may be indicated in one different colour when used in the additions to the product name.
 - (b) **The additional particulars on the main panel**, where applicable, as specified in regulation 21.
 - (c) **The additional particulars on the container**, where applicable, as specified in regulation 22.
 - (d) **The name and address**, as specified in regulation 23.
 - (e) **The country of origin**, as specified in regulation 24.
 - (f) **The date marking** (i.e. "best before" or "best quality before" or "use by" or "expiration date") or **batch code** or **batch number** for the purpose traceability and batch identification, as specified in regulation 25.
- (3) (a) The particulars referred to in sub-regulation (2)(a), (d), (e) and (f) above shall be marked on each outer container in which more than one container of coffee, chicory or a related product is packed.
- (b) The marking requirements prescribed in paragraph (a) above need not to be complied with if --
- (i) a transparent outer container is used and the particulars on the containers packed therein are visible from the outside; or
 - (ii) the same label which is affixed to the containers is also affixed to the outer container.

(4) Individual pods/ capsules or filter bags containing coffee, chicory or a related product that are packed directly in a container shall be exempted from any of the marking requirements prescribed in sub-regulation (2) above: Provided that --

- (a) the individual pods/ capsules or filter bags shall not be sold loose; and
- (b) the container containing the individual pods/ capsules or filter bags shall be marked with all the prescribed marking requirements and in the prescribed letter sizes.

(5) When individual pods/ capsules or filter bags containing coffee, chicory or a related product are packed in a sealed bag (manufactured from aluminum foil or any other suitable material) inside a container, the sealed bag shall be exempted from any of the marking requirements prescribed in sub-regulation (2) above: Provided that --

- (a) the sealed bag shall not be sold loose; and

- (b) the container containing such sealed bag shall be marked with all the prescribed marking requirements and in the prescribed letter sizes.

Indicating the product name

19. (1) The product names for the categories of coffee, chicory and related products shall be as follows:

**TABLE 1
PRODUCT NAMES FOR THE CATEGORIES OF COFFEE, CHICORY AND RELATED PRODUCTS**

| Category | Product name |
|---|---|
| 1 | 2 |
| (a) Roasted coffee beans | "Roasted coffee beans" or "Coffee beans" |
| (b) Ground coffee | "Ground coffee"/ "Roasted ground coffee" |
| (c) Instant coffee (soluble coffee extract) | "Instant coffee" or "Soluble coffee" |
| (d) Decaffeinated coffee and Decaffeinated instant coffee | "Decaffeinated coffee"/ "Decaf coffee" or "Decaffeinated instant coffee"/ "Decaf instant coffee", as the case may be. |
| (e) Coffee essence (liquid coffee extract/ concentrate) | "Coffee essence" or "Liquid coffee extract" or "Liquid coffee concentrate" |
| (f) Mixed coffee (coffee mixture) | "Mixed coffee" or "Coffee mixture" |
| (g) Chicory and chicory extracts | (i) "Chicory powder"; (ii) "Instant chicory" or "Soluble chicory"; (iii) "Chicory extract paste"/ "Chicory paste"; or (iv) "Liquid chicory extract", as the case may be. |
| (h) Coffee and chicory mixture | "Coffee and chicory" or "Coffee and chicory mixture" |
| (i) Coffee and chicory essence (liquid coffee and chicory extract/ concentrate) | "Coffee and chicory essence" or "Liquid coffee and chicory extract" or "Liquid coffee and chicory concentrate" |
| (j) Instant coffee and chicory extract | "Instant coffee and chicory" or "Soluble coffee and chicory" |
| (k) Chicory and coffee mixture | "Chicory and coffee" or "Chicory and coffee mixture" |
| (l) Instant chicory and coffee extract | "Instant chicory and coffee" or "Soluble chicory and coffee" |

- (2) The word "mixture" in the product name may be substituted by the word "mix" or "blend".

Additions to the product name

20. (1) When a flavouring has been added to a category of coffee, chicory or related products in order to render a distinctive specific flavour thereto, the product name concerned shall be preceded by the descriptive name for the distinctive flavour concerned and the expression "X Flavoured", or followed by the expression "with X Flavour" or "with X Flavouring", where "X" indicates the name(s) of the flavouring(s) used.

- (2) The following information may be indicated as part of the product name and/or be indicated on

its own:

- (a) The indication “granules” or “powder”, as the case may be, to describe the appearance of the Instant coffee (soluble coffee extract), Instant coffee and chicory extract or Instant chicory and coffee extract.
- (b) The specific species of *Coffea* (e.g. *Arabica*, *Robusta*, etc.) from which the beans originate.
- (c) The roast intensity and/ or the particular name used to describe the degree of roast applied to the coffee beans to achieve a certain flavour profile, in the case of Roasted coffee beans, Ground coffee, Instant coffee (soluble coffee extract), Decaffeinated coffee and Decaffeinated instant coffee (e.g. *medium roast*, *dark roast*, *French roast*, *Brazilian roast*, *Cinnamon roast*, *Continental roast*, etc.).
- (d) The method used to obtain Instant coffee (soluble coffee extract), Instant coffee and chicory extract or Instant chicory and coffee extract, i.e. spray dried or freeze dried.
- (e) The claims “100%”, “100% pure” “100% coffee”, “100% pure coffee”, “pure coffee” or “pure”, or any other word or words having a similar meaning, in the case of Roasted coffee beans, Ground coffee, Instant coffee (soluble coffee extract), Decaffeinated coffee, Decaffeinated instant coffee and Coffee essence (liquid coffee extract/ concentrate) only: Provided that if a foodstuff and/or a food additive has been added to the afore-mentioned categories, these claims shall not be marked on the container of such products.

Additional particulars on the main panel

21. When coffee, chicory or a related product is packed in individual pods/ capsules or coffee filter bags, this shall be communicated on the main panel of each container containing such pods/ capsules or coffee filter bags (e.g. “easy to use pods”, “convenient filter bags”, etc.): Provided that --

- (a) such wording may also be indicated as part of the product name only (e.g. “Instant coffee pods”, “Ground coffee filter bags”, etc.); and
- (b) if the contents of the container is clearly visible and identifiable from the outside, the wording communicating that the outer container contains pods/ capsules or coffee filter bags may be omitted.

Additional particulars on the container

22. (1) In the case of Mixed coffee (coffee mixture), Coffee and chicory mixture as well as Chicory and coffee mixture, the proportion (ratio) of the coffee and chicory contained in the mixture shall be declared at least in the ingredients list.

(2) When coffee is derived from one or more country(ies), location(s) or geographical area(s), the name of that country(ies), location(s) or geographical area(s) may be indicated on the container.

(3) Sensory descriptions about the flavour and aroma of a particular coffee, chicory or a related product may be indicated on the container: Provided that it does not form part of the product name.

(4) The names or descriptions used to distinguish between the various mixtures or blends of coffee may be indicated on the container (e.g. *Mocha Java*, *Blue Mountain Blend*, *Wiener Mischung*, *House Blend* and *Continental Blend*).

(5) The word “Espresso” to describe a specific style of coffee or the intended use may be indicated on the container of Roasted coffee beans, Ground coffee or Instant coffee (soluble coffee extract).

(6) Every container containing Coffee essence (liquid coffee extract/ concentrate) or Coffee and chicory essence (liquid coffee and chicory extract/ concentrate) shall be labelled with clear directions for use.

Indicating the name and address

23. The name and address of the manufacturer, packer, importer, seller or entity on whose behalf the coffee, chicory or related products have been packed shall be indicated on every container: Provided that in the case where --

- (a) it is not possible to indicate the physical address, a postal address with a telephone number may be used instead; and
- (b) imported coffee, chicory or related products indicate the address of the foreign manufacturer or packer only, a South African address for the importer, seller or entity on whose behalf the coffee, chicory or related products have been packed shall in addition be indicated on each container.

Indicating the country of origin

24. (1) The country of origin shall be declared as follows on every container:

- (a) "Product of (name of country)" if all the main ingredients, processing and labour used to make the product are from one specific country; or
- (b) "Produced in (name of country)", "Processed in (name of country)", "Manufactured in (name of country)", "Made in (name of country)", or wording having a similar meaning, when the product is processed in a second country which changes its nature; or
- (c) In the case where single ingredient agricultural commodities are imported in bulk and where owing to climatic, seasonal or other contingencies more than one country may be the source of the single ingredient agricultural commodity, the wording "Product of (name(s) of country(ies))" separated by the expression 'and/or', shall be declared on the label of the final pre-packed foodstuff: Provided that the final end product remains a single ingredient agricultural commodity.

(2) The words "Packed in (name of country)" may be used in addition to the requirements referred to in sub-regulation (1) above.

(3) The name(s) of the country(ies) indicated in terms of sub-regulations (1) and (2) above may not be abbreviated.

Indicating the date marking or batch code or batch number

25. (1) For the purpose of batch identification and traceability, each container containing coffee, chicory and related products shall be clearly marked with the date marking or batch code or batch number in such a way that the specific batch is easily identifiable and traceable.

- (2) (a) When a date marking appears on a container --
 - (i) it shall be preceded by appropriate wording "best before" or "best quality before" and/or "use by", and/or "expiration date", depending on the nature of the coffee, chicory or related product concerned;
 - (ii) abbreviations of the preceding wording shall not be allowed, except in the case of "best before" where the abbreviation "BB" may be used;
 - (iii) the date sequence shall be "day-month-year" (i.e. "dd/mm/yyyy") when numbers only are used: Provided that in the case of imported products where an altered date sequence is used, the month shall be indicated in letters, either written out in full or abbreviated, and the year shall be written out in full; and
 - (iv) it shall not be removed or altered by any person.

- (b) When coffee, chicory or a related product is packed in an outer container, which will during normal usage be discarded by the consumer, the date marking shall, if indicated, appear on each individual container that will be retained by the consumer until consumption.

Restricted particulars on containers and outer containers

26. (1) (a) No product name other than the applicable product name in Table 1 for the coffee, chicory or related product concerned shall be marked on a container or outer container thereof: Provided that product names of other categories of coffee, chicory and/or related products from the same manufacturer indicated for the sole purpose of promotion and/or comparative claims shall be allowed on the side panel or back panel of a container and shall be accompanied by wording such as but not limited to for example "also try these products in our range".

- (b) No word or expression which so nearly resembles the product name for coffee, chicory or a related product concerned that it could be misleading with regard to the composition of the product presented for sale, shall be marked on the container or outer container of such product.

(2) No word, mark, illustration, depiction or other method of expression that constitutes a misrepresentation or directly or by implication creates or may create a misleading impression regarding the quality, nature, category, origin or composition of coffee, chicory or a related product shall be marked on a container or outer container of such product.

(3) Subject to the provisions of regulation 20(2)(e), the claims "100%", "100% pure" "100% coffee", "100% pure coffee", "pure coffee" or "pure", shall not be marked on a container or outer container of Mixed coffee (coffee mixture), Chicory, Chicory extracts, Coffee and chicory mixture, Coffee and chicory essence (liquid coffee and chicory extract/ concentrate), Instant coffee and chicory extract, Chicory and coffee mixture or Instant chicory and coffee extract.

(4) No claim regarding the absence of any substance that does not normally occur in coffee, chicory or a related product shall be marked on a container or outer container of such product, except in the cases where the negative claim is allowed for in the regulations published under the Foodstuffs, Cosmetics and Disinfectants Act, 1972 (Act No. 54 of 1972).

(5) The word "instant" may only be marked on a container or outer container containing Instant coffee (soluble coffee extract), Decaffeinated instant coffee, Instant chicory (soluble chicory extract), Instant coffee and chicory extract as well as Instant chicory and coffee extract.

(6) Any depictions, illustrations, words or wording which emphasise the presence of an added foodstuff in coffee, chicory or related products shall only be allowed on a container or outer container if the requirements of Quantitative Ingredient Declarations (QUID), as specified in the regulations published under the Foodstuffs, Cosmetics and Disinfectants Act, 1972 (Act No. 54 of 1972), have been complied with.

(7) The provisions of this regulation shall also apply to particulars that are marked on --

- (a) a notice board displayed at or in the immediate vicinity of coffee, chicory or a related product that is kept or displayed for sale; and
- (b) all advertisements for coffee, chicory and related products.

**PART V
SAMPLING AND ANALYSIS**

Sampling

27. For the purpose of inspection for quality control, an inspector shall take such samples of a product, material, substance or other article in question as he or she may deem necessary.

Analysis

28. (1) Samples shall be analysed using the latest versions of the methods set out in Table 2 below.

**TABLE 2
METHODS OF ANALYSIS**

| Nature of determination | Method |
|----------------------------------|--|
| (a) Caffeine content (anhydrous) | AOAC 960.25/ 979.11 ISO 4052:1983 ISO 20481:2008 |
| (b) Moisture content | AOAC 968.11/ 979:12 ISO 20938:2008 |
| (c) Dry matter content | ISO/ DIS 22994 |

(2) Notwithstanding the requirements in sub-regulation (1) above, any other method which is accepted and approved by the Association of Official Agricultural Chemists (AOAC) or the International Organization for Standardization (ISO) may be used: Provided that --

- (a) the method concerned has been validated;
- (b) the laboratory concerned employing this method has been accredited (e.g. by SANAS); and
- (c) the laboratory concerned conducts proficiency testing/ inter-laboratory comparisons.

(3) When the results of the analysis performed deviate from the prescribed compositional requirements for the product concerned, the whole batch from which the relevant samples were obtained shall be regarded as non-compliant.

**PART VI
OFFENCES AND PENALTIES**

Offences and penalties

29. Any person who contravenes or fails to comply with the provisions of these regulations shall be guilty of an offence and upon conviction be liable to a fine or imprisonment in accordance with section 11 of the Act.