

DEPARTMENT OF HEALTH

NO. 5505

01 November 2024

FOODSTUFFS, COSMETICS AND DISINFECTANTS ACT, 1972

(ACT NO. 54 OF 1972)

REGULATIONS RELATING TO MAXIMUM LEVELS OF MYCOTOXINS IN
FOODSTUFFS

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 substantive comments, within three months of the publication of this Notice, any comments or representations on the proposed draft Regulations to the Director-General: Department of Health, Private Bag X 828, Pretoria, 0001 (for the attention of the Director: Food Control) or by e-mail to foodcontrol@health.gov.za.


DR P.A. MOTSOLEDI, MP

MINISTER OF HEALTH

DATE: 30/9/2024

SCHEDULE

Definitions

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

“further processing” means intended to undergo an additional processing or treatment that has been proven to reduce levels of mycotoxins before being used as an ingredient in foodstuffs, otherwise processed or offered for human consumption;

“Maximum Level (ML)” means the maximum concentration of a substance permitted based on the edible content of the foodstuff, unless otherwise specified in the Regulations.

“milk” means milk as defined in the relevant Regulations published under the Agricultural Product Standards Act, 1990 (Act No. 119 of 1990);

“ready-to-eat” means not intended to undergo an additional processing or treatment to reduce levels of mycotoxins before being used as an ingredient in foodstuffs, otherwise processed or offered for human consumption; and

“the Act” means the Foodstuffs, Cosmetics and Disinfectants Act, 1972 (Act No. 54 of 1972).

Contaminated food

2. (1) (a) For the purpose of section 2 (1) (b) (i) of the Act, foodstuffs listed in column II of the Table of the Annexure are deemed to be contaminated, impure, or are deemed to be harmful or injurious to human health, when they contain the mycotoxin in column I in amounts exceeding the corresponding level in column iv when measured using accredited analytical method.
- (b) Other internationally ratified analytical methods may be used as alternative or complementary methods, provided that their implementation provides an equivalent level of public health protection.

(2) A person may not sell a foodstuff with levels that exceed the maximum level of mycotoxins prescribed by these Regulations, unless stipulated otherwise in other relevant national regulations or unless otherwise specified.

(3) The foodstuffs listed in column II of the Annexure include foodstuff as defined in the relevant Codex Standards and the applicable Regulations unless otherwise specified.

Sampling

3. (1) The sampling methods must be in accordance with the methods specified in the latest:
- (a) Codex Recommended Methods of Analysis and Sampling CXS 193-1995; and
 - (b) Codex General Standard for Contaminants and Toxins in Food and Feed CXS 193-1995.

Repeal

4. Regulations governing tolerances for fungus-produced toxins in foodstuffs published under Government notice No. R. 1145 of 8 October 2004; Regulations governing tolerances for fungus-produced toxins in foodstuffs published under Government notice R.751 of 17 July 2009, and Regulations governing tolerances for fungus-produced toxins in foodstuffs amendment published under Government notice No. 987 of 05 September 2016, are hereby repealed.

Commencement

5. These Regulations comes into operation 12 months after the date of publication.

Short title

6. These Regulations are called Regulations Relating to the Maximum Levels of Mycotoxins in Foodstuffs, 2024.

ANNEXURE

Table 1: Maximum Levels of Mycotoxins in Foodstuffs

| Mycotoxins | Foodstuff | Notes/Remarks | ML (µg/kg or µg/L) |
|---------------------------------|--|---|--------------------|
| Aflatoxins, Total (B1+B2+G1+G2) | Almonds (whole commodity) | Ready-to-eat | 10 |
| | Almonds (whole commodity) | Intended for further processing | 15 |
| | Brazil nuts (shelled) | Ready-to-eat. | 10 |
| | Brazil nuts (shelled) | Intended for further processing | 15 |
| | Hazelnuts (whole commodity) | Ready-to-eat | 10 |
| | Hazelnuts (whole commodity) | Intended for further processing | 15 |
| | Peanuts | Intended for further processing | 15 |
| | Pistachios (whole commodity) | Ready-to-eat | 10 |
| | Pistachios (whole commodity) | Intended for further processing | 15 |
| | Dried figs (whole commodity) | Ready-to-eat | 10 |
| | All other foodstuffs not specified (Ready-to-eat) | Of which Aflatoxin B1 is not more than 5µg/kg | 10 |
| | Maize grain | Destined for further processing | 15 |
| | Flour meal, semolina and flakes derived from maize | | 10 |
| | Husked rice (whole commodity) | | 20 |
| | Polished rice (whole commodity) | | 5 |
| | Sorghum grain (whole commodity) | Destined for further processing | 10 |

| Mycotoxins | Foodstuff | Notes/Remarks | ML (µg/kg or µg/L) |
|----------------------|--|--|--------------------|
| | Cereal-based food for infants and young children | Whole commodity as sold; not reconstituted or otherwise prepared for consumption | 5 |
| | Chilli pepper, nutmeg (dried/dry) | Whole/Powder/Crushed/Ground | 20 |
| Aflatoxin M1 | Milk | | 0.5 |
| Deoxynivalenol (DON) | Cereal-based foods for infants and young children | As sold; not reconstituted or otherwise prepared for consumption | 200 |
| | Flour, meal, semolina and flakes derived from wheat, maize or barley | | 1 000 |
| | Cereal grains (wheat, maize and barley) | Destined for further processing | 2 000 |
| Fumonisin (B1+B2) | Raw maize grain (whole commodity) | | 4 000 |
| | Maize flour and maize meal | | 2 000 |
| Ochratoxins A | Wheat (whole commodity) | | 5 |
| | Raw Barley | | 5 |
| | Raw Rye | | 5 |
| | Chilli pepper, paprika, nutmeg (dried/dry) | Whole/Powder/Crushed/Ground | 20 |
| Patulin | Apple juice (Excludes concentrated juice) | | 50 |