

GNR.1769 of 9 August 1985: Soft drinks

Notice	as amended by Government Gazette	Date
R.317	35265	17 April 2012 w.e.f. 12 months from date of publication*

DEPARTMENT OF NATIONAL HEALTH AND POPULATION DEVELOPMENT

(Editor's note: These regulations and the Act are currently administered by the Department of Health.)

The Minister of Health and Welfare has, in terms of [section 15 \(1\)](#) of the Foodstuffs, Cosmetics and Disinfectants Act, 1972 (Act [54 of 1972](#)), made the regulations appearing in [the Schedule](#) hereto, which shall become effective from the date of publication hereof, save regulation 4 (1), which shall become effective two months after such date of publication.

GENERAL NOTE

Regulation headings have been added for the sake of convenience.

SCHEDULE

ARRANGEMENT OF REGULATIONS

- [1.](#) Definitions
- [2.](#) Permitted additives
- [3.](#) Acidity
- [4.](#) Alcohol
- [5.](#) Repeals

Footnotes

- * 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.

1. Definitions.—In these regulations “the Act” shall mean the Foodstuffs, Cosmetics and Disinfectants Act, 1972 (Act [54 of 1972](#)), and any expression to which a meaning has been assigned in the Act shall bear such meaning, and, unless inconsistent with the context—

“**additive**” shall mean a substance which is specially prepared for use in foodstuffs and intentionally added to soft drinks for one or more of the following purposes:

- to retain the nutritional properties;
- to enhance the keeping quality or stability;
- to make the soft drink more attractive to the consumer;
- to act as an adjuvant in the manufacture, packaging, treatment or transport;
- to provide essential constituents for dietetic soft drinks;

and which complies with any such standard of purity or quality as may be prescribed in respect of the substance concerned;

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

[Definition of “[caffeine](#)” inserted by GNR.317 of 17 April 2012.]

“**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;

[Definition of “[formulated caffeinated beverages](#)” inserted by GNR.317 of 17 April 2012.]

“**soft drink**” shall mean any powder or liquid intended for sale as a drink for human consumption, either without or after preparation or dilution, and shall include—

- any fruit or vegetable drink;
- soda water, Indian or quinine tonic water, natural spring water and any sweetened artificially carbonated water, whether flavoured or unflavoured;

- (c) ginger beer and any herbal or botanical beverage; but shall not include—
- (i) water (except as aforesaid);
 - (ii) fruit juice, sweetened or unsweetened, controlled under the Marketing Act, 1968 (Act [59 of 1968](#)), whether sweetened or unsweetened, and whether concentrated or frozen or not;
 - (iii) milk or any preparation of milk;
 - (iv) tea, coffee, cocoa or chocolate, or any preparation thereof;
 - (v) any egg product;
 - (vi) any cereal product, except—
 - (aa) flavoured barley water and liquid products used in the preparation of barley water; and
 - (bb) any liquid produced from cereal and containing alcohol, which does not fall within one of the following categories:
 - (aaa) drinks referred to in [subparagraph \(viii\)](#) hereof;
 - (bbb) drinks falling within the provisions of the Sorghum Beer Act, 1962 (Act [63 of 1962](#));
 - (ccc) drinks traditionally known as maheu with a maximum total alcohol content of 1% by volume;
 - (vii) meat or yeast extracts, soup or soup mixtures;
 - (viii) any drink falling within the provisions of the Liquor Act, 1928 (Act [30 of 1928](#));
 - (ix) any other unsweetened drink; or
 - (x) any drink falling within the provisions of the Wine, Other Fermented Beverages and Spirits Act, 1957 (Act [25 of 1957](#)); and

“**sweetened**” shall mean containing any added permitted sweetener, and “**unsweetened**” shall mean containing no added permitted sweetener.

2. Permitted additives.—No soft drink shall contain any foreign substance: Provided that the additives named in column I of the following table may, unless prohibited or further limited by any other law, be present in a soft drink or, in the case of a soft drink which is to be diluted with water, in such soft drink when diluted in accordance with the instructions on the label, in a proportion not exceeding that indicated in the corresponding line of column II:

I <i>Additive</i>	II <i>Proportion</i> (mg/kg or mg/l)
Acetic acid	As dictated by good manufacturing practice
Ascorbic acid	
Carbon dioxide	
Citric acid	
Glycerine	
Harmless edible foam-producing substances	
Harmless flavouring substances	
Harmless stabilisers	
Lactic acid	
Malic acid	
Nicotinic acid	
Potassium chloride	
Potassium phosphate	
Sodium chloride	
Sodium phosphate	
Sulphonated oil	
Tartaric acid	
Water	
Permitted colourants	As laid down by regulation
Permitted preservatives	
Permitted sweeteners	
Brominated vegetable oils (which contain not more	

than 33 per cent bromine and the acidity of which, expressed as hydrobromic acid, does not exceed 1 000 mg/l)	15
Caffeine*^	150
Glycerol esters of wood resins	100
Glyceryl tribenzoate	40
Orthophosphoric acid of BP quality	600
Propylene glycol dibenzoate	120
Quinine calculated as quinine sulphate	50 to 100
Sucrose acetate isobutyrate	500
Stannous chloride	22

Note.—The above-mentioned acids may be used in the form of their sodium or potassium salts.

* In cola drinks only.

^ No limit in formulated caffeinated beverages only, subject to the provisions of [Regulation 4](#) (3 (a) - (c)).

[[R. 2](#) amended by GNR.317 of 17 April 2012.]

3. Acidity.—The degree of acidity of soft drinks shall be such as to give a pH value of not less than 2,5.

4. Alcohol.—(1) The alcohol content of any drink manufactured from cereal and not falling within any of the categories mentioned in [paragraph \(c\) \(vi\) \(bb\)](#) of the definition of soft drink in [regulation 1](#) shall not exceed 0,5% by volume.

(2) No drink referred to in subregulation (1) hereof shall be described as alcohol free unless it contains less than 0,05% alcohol by volume.

(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".

[[Sub-r. \(3\)](#) added by GNR.317 of 17 April 2012.]

5. Repeals.—The regulations published under the following Government Notices are hereby repealed with effect from the date of publication of this notice:

- (a) R.70, dated 18 January 1974;
- (b) R.220, dated 7 February 1975;
- (c) R.673, dated 29 April 1977; and
- (d) R.1705, dated 2 August 1985.