

DEPARTMENT OF HEALTH

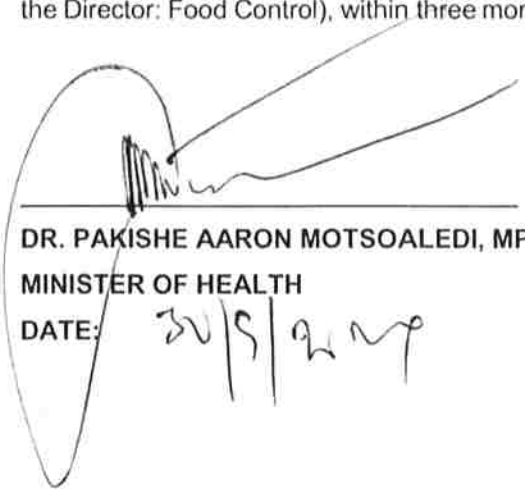
NO. 5506

01 November 2024

**REGULATIONS RELATING TO THE USE OF FOOD ADDITIVES IN FOODSTUFFS
IN TERMS OF THE FOODSTUFFS, COSMETICS AND DISINFECTANTS ACT, 1972
(ACT 54 No. OF 1972)**

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 Regulations in the Schedule.

Interested persons are invited to submit any substantiated comments or representations on the proposed draft Regulations, to the Director-General of Health, Private Bag X828, Pretoria, 0001 or foodcontrol@health.gov.za (For the attention of the Director: Food Control), within three months of the date of publication of this Notice.



DR. PAKISHE AARON MOTSOLEDI, MP
MINISTER OF HEALTH

DATE:

20/9/2024

SCHEDULE

Definitions

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

“acidity regulator” means a food additive, which controls the acidity or alkalinity of a foodstuff;

“anticaking agent” means a food additive, which reduces the tendency of components of foodstuff to adhere to one another;

“antifoaming agent” means a food additive, which prevents or reduces foaming;

“antioxidant” means a food additive, which prolongs the shelf-life of foodstuffs by protecting against deterioration caused by oxidation;

“bleaching agent” means a food additive (non-flour use) used to decolourise foodstuff;

“bulking agent” means a food additive, which contributes to the bulk of a foodstuff without contributing significantly to its available energy value;

“carbonating agent” means a food additive used to provide carbonation in a foodstuff;

“carrier” means food additive used to dissolve, dilute, disperse, or otherwise physically modify a food additive or nutrient without altering its function (and without exerting any technological effect itself) in order to facilitate its handling, application or use of the food additive or nutrient;

“colour” means a food additive, which adds or restores colour in a foodstuff;

“colour retention agent” means a food additive, which stabilises, retains, or intensifies the colour of a foodstuff;

“emulsifier” means a food additive, which forms or maintains a uniform emulsion of two or more phases in a foodstuff;

“emulsifying salt” means a food additive, which, in the manufacture of processed food, rearranges proteins in order to prevent fat separation;

“firming agent” means a food additive, which makes or keeps tissues of fruit or vegetables firm and crisp, or interacts with gelling agents to produce or strengthen a gel;

"flavour enhancer" means a food additive, which enhances the existing taste and/or odour of a foodstuff;

"flour treatment agent" means a food additive, added to flour or dough to improve its baking quality or colour;

"foaming agent" means a food additive, which makes it possible to form or maintain a uniform dispersion of a gaseous phase in a liquid or solid foodstuff;

"food additive" means any substance not normally consumed as a food by itself and not normally used as a typical ingredient of the food, whether or not it has nutritive value, the intentional addition of which to food is for a technological (including organoleptic) purpose in the manufacture, processing, preparation, treatment, packing, packaging, transport or holding of such food results, or may be reasonably expected to result (directly or indirectly), in it or its by-products becoming a component of or otherwise affecting the characteristics of such foods, and does not include contaminants or substances added to food for maintaining or improving nutritional qualities;

"gelling agent" means a food additive, which gives a foodstuff texture through the formation of a gel;

"glazing agent" means a food additive, when applied to the external surface of a foodstuff, imparts a shiny appearance, or provides a protective coating;

"GSFA" means the latest version of the Codex General Standard for Food Additives as adopted by the Codex Alimentarius Commission;

"humectant" means a food additive, which prevents food from drying out by counteracting the effect of a dry atmosphere;

"ingredient" means any substance including food additives used in the manufacture or preparation of a foodstuff;

"maximum use level (ML)" means the highest concentration of the additive determined to be functionally effective in a foodstuff;

"packaging gas" means a food additive gas, introduced into a container before, during or after filling with food to protect the foodstuff from oxidation or spoilage;

"preservative" means a food additive, which prolongs the shelf-life of a foodstuff by protecting against deterioration caused by microorganisms;

"propellant" means a food additive gas, which expels a foodstuff from a container;

"raising agent" means a food additive or a combination of food additives, which liberates gas and thereby increases the volume of a dough or batter;

"sequestrant" means a food additive, which controls the availability of a cation;

"stabiliser" means a food additive, which makes it possible to maintain a uniform dispersion of two or more components;

"sweetener" means a food additive (other than mono- or disaccharide sugar), which imparts a sweet taste to a foodstuff;

"thickener" means a food additive, which increases the viscosity of foodstuff; and

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

Application

2. These Regulations apply to the following food additives: -

- (a) acidity regulator,
- (b) anticaking agent,
- (c) antifoaming agent,
- (a) antioxidant,
- (b) bleaching agent,
- (c) bulking agent,
- (d) carbonating agent,
- (e) carrier,
- (f) colour,
- (g) colour retention agent,
- (h) emulsifier,
- (i) emulsifying salt,
- (j) firming agent,
- (k) flavour enhancer,
- (l) flour treatment agent,
- (m) foaming agent,
- (n) gelling agent,
- (o) glazing agent,
- (p) humectant,
- (q) packaging gas,
- (r) preservative,
- (s) propellant,

- (t) raising agent,
- (u) sequestrant,
- (v) stabiliser,
- (w) sweetener and
- (x) thickener in foodstuffs.

Requirements for use of food additives in foodstuffs

3. (1) For the purposes of section 2(1) (a) (i) of the Act, to the extent that it is applied, and applicable to foodstuffs-

- (a) a food additive must conform to the applicable specifications of identity and purity as recommended by the Codex Alimentarius Commission or, in the absence of such specifications, with appropriate specifications developed by responsible national or international bodies; and
- (b) in terms of safety, food grade quality is achieved by conformance of food additives to their specifications as a whole (not merely with individual criteria) and through their production, storage, transport, and handling in accordance with GMP.

(2) No person shall sell a food additive, or a foodstuff containing a food additive as an ingredient, other than a food additive referred to in these Regulations.

(3) No foodstuff containing a food additive as an ingredient shall exceed the maximum use level, taking into consideration accompanying notes, as specified in the General Standard for Food Additives (GSFA) in such a foodstuff.

(4) In the case where the food additive provision is attached to a specific note in the Codex GSFA which allows the Codex member to limit the use of the food additive, (e.g., Note 477 or 478,) the use of such food additive must be permitted at the ML specified in the GSFA unless otherwise specified by these Regulations or in any national legislation.

(5) The food category system of the GSFA, used for assigning food additive provisions in these Regulations, is applicable to all foodstuffs; and it shall not be applied for legal product designations or labelling purposes.

(6) The food additives in these Regulations include, where applicable, the food additives and the ML thereof as specified in the relevant Codex commodity standards.

(7) No foodstuff listed in column I of the Annexure shall contain a food additive with a technological function listed in column II.

Carry-over of food additives into foods

4. (1) A food additive may be present in a food as a result of carry-over from a raw material or ingredient used to produce the foodstuff, provided that-

- (a) A food additive is acceptable for use in the raw materials or other ingredients according to these Regulations;
- (b) The amount of the food additive in the raw materials or other ingredients does not exceed the ML specified in these Regulations; and
- (c) The foodstuff into which the food additive is carried over does not contain the food additive in greater quantity than would be introduced by the use of raw materials, or ingredients under good manufacturing practice.

(2) Unless otherwise specified, the carry-over of a food additive from a raw material or ingredient is not permitted for foodstuff belonging to the following food categories:

- (a) Infant formulae, follow-up formulae, and formulae for special medical purposes for infants; and
- (b) complementary food for infants and young children.

(3) For the purposes of this regulation, "Good Manufacturing Practice" (GMP)" means-

- (a) the quantity of the food additive added to foodstuff is limited to the lowest possible level necessary to accomplish its desired effect;

- (b) the quantity of the food additive that becomes a component of foodstuff as a result of its use in the manufacturing, processing, or packaging of a food and not intended to accomplish any physical, or other technical effect in the foodstuff itself, is reduced to the extent reasonably possible; or
- (c) the food additive is of appropriate food-grade quality and is prepared and handled in the same way as a food ingredient.

Repeal of laws

- 5. (a) Regulations relating to Preservatives and Antioxidants published under Government Notice No. R. 965 of 3 June 1977, as amended by Government Notice No. R. 2355 of 5 November 1982, Government Notice No. R. 2298 of 26 October 1984, Government Notice No. R. 225 of 7 February 1986, Government Notice No. R. 1884 of 4 September 1987, Government Notice No. R. 2379 of 12 October 1990, Government Notice No. R. 2139 of 30 August 1991, Government Notice No. R. 70 of 15 January 1993, Government Notice No. R. 1142 of 4 August 1995, Government Notice No. R. 1745 of 1 November 1996, Government Notice No. R. 1295 of 16 October 1998, Government Notices No. R. 60 of 28 January 2009, Government Notices No. R. 1124 of 20 October 2017;
 - (b) Regulations relating to Miscellaneous Additives in Foodstuffs published under Government Notice R.1425 of 17 November 2016 and Government Notice R.1426 of 18 November 2016;
 - (c) Regulations relating to Food Colourants published under Government Notice R. 1008 of 21 June 1996 as amended by Government Notice R.1055 of 3 September 1999; and
 - (d) Regulations 1,2,3,4,5,6,7,8 and 9 of the Regulations relating to the use of sweeteners in foodstuffs published under Government Notice R. 733 of 10 September 2012;
- are hereby repealed.

Commencement

6. (1) These Regulations come into operation 12 months after the date of publication hereof.

(2) Subject to the provisions of sub-regulation (1), foodstuffs manufactured on or before the date of commencement of these Regulations are exempted from the requirements of these Regulations.

Short title

7. These Regulations are called Regulations Relating to the Use of Food Additives in Foodstuffs, 2024.

Annexure

Foodstuff	Food additive
Foodstuff intended for infants and young children	Colour, sweetener
Plain bread	Colour, sweetener
Fruit juices	Colour
Other unflavoured foodstuffs	Colour, sweetener
Other unprocessed foodstuffs	Colour, sweetener
Non-energy-reduced foodstuffs or non-sugar-reduced foodstuffs	Sweetener