

agriculture, forestry & fisheries

Department: Agriculture, Forestry and Fisheries REPUBLIC OF SOUTH AFRICA

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TO:	All Manufacturers, Packers, Importers and Retailers of fruit juice products SA Fruit Juice Association The Inspectors and Assignee of the Department						
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DISPENSATION: NOT FROM CONCENTRATE FRUIT JUICE PRODUCTS

1. BACKGROUND

The Department recently received enquiries as well as a request for dispensation to indicate "Not from concentrate" on the labels of fruit juice products.

The Regulations relating to the classification, packing and marking of fruit juice and drink intended for sale in the Republic of South Africa (Government Notice No. R.286 of 7 November 1980, as amended) state the following in regulation 18(5):

"(5) The word 'concentrate' or words to the same effect shall not appear on the container unless the fruit juice or drink has to be diluted before consumption and the words 'concentrated juice' shall not appear on a container other than a container containing concentrated juice."

The inspectors of the Department have been applying this restriction on the use of the word "Concentrate" to the indication of "Not from concentrate" as well, mainly due to the fact that the requirement in the regulations does not take into account the context in which the word is used. It is thus applied to all references to "concentrate" on a container (excluding the ingredients list) since there is a concern that the use of the word "concentrate" on a non-concentrated product may confuse the buyer in thinking it is a concentrated product.

However, as indicated there is a demand from the market for "Not from concentrate" fruit juice products and the Department thus consulted with the industry on the issue. As a result thereof the following dispensation is issued:

2. DISPENSATION

Permission is hereby granted by the Executive Officer: Agricultural Product Standards in terms of section 3(1)(c) of the Agricultural Product Standards Act, 1990 (Act No. 119 of 1990), to all manufacturers, packers, importers and retailers of fruit juice to indicate/use the claim "Not from concentrate", or any other wording having a similar meaning (i) on containers containing the classes Fruit Juice, Fruit Juice Blend and Fruit and Vegetable Juice Blend, and/or (ii) as part of the class designation: Provided that --

- (a) It shall be indicated in detached letters of the same letter size, type, font and colour of at least 2mm in height.
- (b) It shall be used only on the classes Fruit Juice, Fruit Juice Blends and Fruit and Vegetable Juice Blends, and only where the juice and/or purée, and their blends, are produced from fresh, sound fruit and vegetables which has not been concentrated. (Please Note: 100% Vegetable Juices are at this stage not covered by the fruit juice and drink regulations.)
- (c) The "Not from concentrate" Fruit Juice, Fruit Juice Blends and Fruit and Vegetable Juice Blends shall have a minimum Brix level which at least complies with the standard strength requirements for the fruit/vegetable species concerned: Provided that, subject to paragraph (d) below, the total soluble solids (TSS) content of the single strength juice and/or purée may be adjusted by blending such juice and/or purée with the juice and/or purée obtained from the same kind of fruit/vegetable.

- (d) If the minimum Brix level of the juice used for the "Not from concentrate" Fruit Juice, Fruit Juice Blends and Fruit and Vegetable Juice Blends is in excess of the standard strength requirements for the fruit/vegetable species concerned, water may, subject to paragraph (c) above, be added to make the higher TSS content of the single juice more palatable, such as for grape juice, and this addition of water shall be declared and QUID'ed on the label in accordance with the requirements of the regulations published under the Foodstuffs, Cosmetics and Disinfectants Act, 1972 (Act No. 54 of 1972).
- (e) Restoration aroma obtained by suitable physical means (including concentration) from the same fruit species, or from other natural sources, may be restored to the "Not from concentrate" Fruit Juice, Fruit Juice Blends and Fruit and Vegetable Juice Blends: Provided that it shall be declared in the ingredients list in accordance with the requirements of the regulations published under the Foodstuffs, Cosmetics and Disinfectants Act, 1972 (Act No. 54 of 1972): Provided further that restoration aroma means "the aromatic substances and volatile flavour components obtained from the edible parts of fruits or vegetables during the processing thereof by applying suitable physical processes (these processes include in particular squeezing, extraction, distillation, filtration, adsorption, evaporation, fractionation and concentration). A Restoration Aroma may be used to retain, preserve or stabilise the flavour quality. It is an organic chemical compound that does not mix with water".
- (f) The "Not from concentrate" Fruit Juice, Fruit Juice Blends and Fruit and Vegetable Juice Blends may, in the case of grape juice, contain grape skin extract and added, restored salts of tartaric acids.
- (g) The "Not from concentrate" Fruit Juice, Fruit Juice Blends and Fruit and Vegetable Juice Blends may be cloudy or clear (clarified).
- (h) The "Not from concentrate" Fruit Juice, Fruit Juice Blends and Fruit and Vegetable Juice Blends shall be clean and free from foreign matter and deterioration or spoilage.
- (i) Subject to the allowed additions listed above in paragraphs (b) to (h), the "Not from concentrate" Fruit Juice, Fruit Juice Blends and Fruit and Vegetable Juice Blends may contain no other additives than added preservatives.
- (j) Any person intending to produce and/or sell "Not from concentrate" Fruit Juice, Fruit Juice Blends and Fruit and Vegetable Juice Blends shall supply the Department with an indication of the control measures they have in place (which shall include the necessary traceability) to ensure that the "Not from concentrate" claim is true, and in the case where it is produced on behalf of a seller or retailer, it shall include a declaration from the producer/manufacturer indicating that they intend to use only fruit juice and vegetable juice not obtained from concentrate for the manufacturing process.

In addition to the above mentioned provisions, this permission is also subject to the following conditions:

- (i) All other conditions of the relevant regulations shall be complied with.
- (ii) It may be withdrawn at any time should a valid complaint be received.
- (iii) All Manufacturers, Packers, Importers and Retailers of fruit juice products indemnify this Directorate and the Department from any detrimental effect, financially or otherwise, which may emanate as a result of this permission.
- (iv) The Department may at any time request that validation of ingredients used be supplied.
- (v) Termination date: When the amendment to the relevant regulations or revision of the relevant regulations is published in the Government Gazette.

Kind regards,

OFFICER: RICULTURAL PRODUCT STANDARDS ACT