

REGULATIONS - SOFT DRINKS

Published under Government Notice No. R. 1769 of 9 August 1985

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.

SCHEDULE

1. 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:

- (a) To retain the nutritional properties;
- (b) to enhance the keeping quality or stability;
- (c) to make the soft drink more attractive to the consumer;
- (d) to act as an adjuvant in the manufacture, packaging, treatment or transport;
- (e) 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;

“**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—

- (a) any fruit or vegetable drink;
- (b) 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% 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. 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 Additive	II Proportion (mg/kg or mg/P)
Acetic acid Ascorbic acid Carbon dioxide Citric acid Glycerine Harmless edible foam-producing substances Harmless flavouring substances Harmless stabilisers Lactic acid Malic Acid Nicotinic acid	As dictated by good manufacturing practice

I Additive	II Proportion (mg/kg or mg/P)
Potassium chloride	As dictated by good manufacturing practice
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/P)...	15
Caffein*	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.

3. The degree of acidity of soft drinks shall be such as to give a pH value of not less than 2,5.
4. (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.
5. 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.