agriculture,
forestry & fisheries

Department:
Agriculture, Forestry and Fisheries
REPUBLIC OF SOUTH AFRICA

Directorate Food Safety and Quality Assurance, Private Bag X343, PRETORIA, 0001

FAX COVER SHEET

TO:	**All manufacturers, packers, importers and retailers of fruit juice and fruit drink products** **Directorate: Inspection Services**		
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Subject

DISPENSATION: RELAXATION OF REGULATION 18(1) OF THE FRUIT JUICE AND DRINK REGULATIONS

1. Background

Regulation 18 (1) in the current Fruit Juice and Drink Regulations (No. R. 286 dated 07/11/1980, as amended) is very restrictive and leaves very little room for any creativity on containers containing the classes Fruit Drink and Fruit Flavoured Drink.

The restrictions are in some instances also subject to interpretation, especially in instances where the imagery used may be perceived as e.g. a leave by some individuals while others my only see it as an abstract image/motif/device of some kind and not a definite plant part.

To thus attempt to assist industry and inspectors with the interpretation and enforcement of regulation 18(1), while at the same time also allow for the relaxation of the existing restrictions, the Department has decided to issue the following dispensation until the proposed new fruit and vegetable juice regulations have been promulgated:

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 and fruit drink products regulated under regulation R.286 of 7 November 1980, as amended, to only comply with the revised subregulation 18(1) which reads as follows

"18(1) (a) No depictions or illustrations of fruit, fruit trees, fruit blossoms, fruit orchards, vineyards, vine shoots, vegetables, vegetable blossoms/flowers and leaves of fruit trees or vines or vegetables shall appear on a container (including when used as part of a registered trade mark/trade mark, brand name or logo) containing the classes Fruit Drink, Fruit Drink Blend and Fruit Flavoured Drink.

(b) The restrictions in paragraph (a) shall not apply to –

(i) depictions or illustrations of a scenery and plants or plant parts other than those mentioned in paragraph (a) above (with the exception of palm trees), in the case of the classes Fruit Drink and Fruit Drink Blend (e.g. depictions or illustrations of pastures, mountains covered with natural vegetation, jungle scenes, etc.);

(ii) the use of any abstract imagery/motifs/devices or figurines which, either on its own or when taken in context with the indicated class designation, cannot with absolute certainty be perceived or identified as being fruits or vegetables or any of the other plant parts mentioned in paragraph (a) above; and

(iii) trade marks or brand names or logos which have been registered for use on Fruit Drink, Fruit Drink Blend and Fruit Flavoured Drink products, and/or allowed for on these afore-mentioned products prior to 7 November 1980.

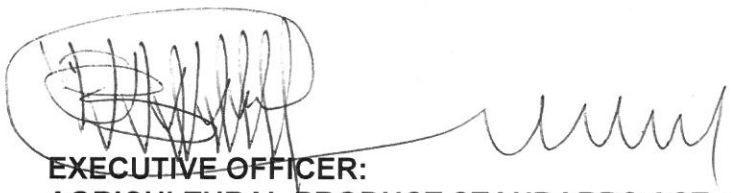
This permission is subject to the following conditions:

(a) All other conditions of regulation R.286 of 7 November 1980, as amended, shall be complied with.

(b) It may be withdrawn at any time should a valid complaint be received.

(c) All manufacturers, packers, importers and retailers of fruit juice and fruit drink products indemnify this Directorate and this Department from any detrimental effect, financially or otherwise, which may emanate as a result of this permission.

(d) Termination date: When the proposed new fruit and vegetable juice regulations come into force after its publication in the Government Gazette.



EXECUTIVE OFFICER:
AGRICULTURAL PRODUCT STANDARDS ACT, 1990 (ACT 119 OF 1990)