

## DEPARTMENT OF HEALTH

NO. 1071

06 OCTOBER 2017

**FOODSTUFFS, COSMETICS AND DISINFECTANTS ACT, 1972  
(ACT 54 OF 1972)****THE REGULATIONS RELATING TO THE REDUCTION OF SODIUM IN CERTAIN FOODSTUFFS  
AND RELATED MATTERS, R.214 OF 20 MARCH 2013: AMENDMENT**

The Minister of Health has amended the regulations set out in the Schedule hereto in terms of subsection 15(7)(b).

**SCHEDULE**

- [ ] Words in **[bold type in square brackets]** indicate omissions from existing regulations  
Words underlined with a solid line indicate insertions in existing regulations

**Definitions**

1. In these Regulations "the Regulations" means the Regulations published by Government Notice No. R. 214 of 201 March 2013 as amended by Government Notice No. R. 989 of 6 September 2016.

**Amendment of Regulation 1**

2. Regulation 1 of the Regulations is hereby amended by-

- (a) The substitution of the definition of "processed meats for the following definition:

**"processed meats"** for the purpose of these Regulations means processed meat products in classes 1[6], 2 [~~9~~], 3 [10], 4 [11], and 5 [13] of Annexure 1 **[of the South African National Standard SANS 885:2011, edition 3 or any future revision thereof,]** that has undergone any action that substantially altered its original state (including, but not limited to, heating, smoking, curing, maturing, drying, marinating, extraction or extrusion or any combination of these processes), but excludes-

- (a) raw processed meat sausages or similar products;  
(b) 'Protected Designation of Origin' products (PDO);  
(c) 'Protected Geographical indication' products (PGI); [**, e.g., Mortadella;**]

**[(d) "Traditionally speciality guaranteed" products (TSG);] and**

(e) speciality products produced using traditional methods such as immersion and dry cured processes."

(b) the substitution of the definition of "**ready-to-eat savoury snacks**" for the following definition:

"**ready-to-eat savoury snacks**' means all savoury flavoured extruded / expanded or puffed snacks made from potato, corn, rice or other cereals, savoury flavoured popcorn, filled and unfilled savoury biscuits, flavoured and/or salted peanuts, excluding potato crisps, pretzels and savoury flavoured snacks made from pellets;"

(c) substitution of the definition of "**raw-processed meat sausages**" for the following definition: "**raw-processed meat sausages**" means all types of raw-processed meat sausages from all species of meat animals and birds intended for human consumption in South Africa [as per *inter alia* the **Regulations Governing the Composition and Labelling of Raw Boerewors, Raw Species Sausage and Raw Mixed-species Sausage, R 2718 of 23 November 1990 and any updates hereafter,**] cured or uncured, or a combination thereof or similar products that have not undergone any heat treatment and where any added ingredient and/or additive and added water, including brine, is retained in or on the product as sold, but exclude processed meats in sausage form as defined by these Regulations;

**Amendment of Regulation 2**

3. Regulation 2 is hereby amended by the substitution of Table 1 for the following Table:

**TABLE 1: REDUCTION OF TOTAL SODIUM (NA) CONTENT OF CERTAIN FOODSTUFFS**

	Foodstuff category	Maximum Total Sodium per 100 g foodstuff	Dates on which the total Sodium reduction becomes effective
I	II	III	IV
1.	Bread	400 mg Na	30 June 2016
		380 mg Na	30 June 2019
2.	All breakfast cereals and porridges, whether ready-to-eat, instant or cook up, hot or cold	500 mg Na	30 June 2016
		400 mg Na	30 June 2019
3.	All fat spreads and butter spreads	550 mg Na	30 June 2016
		450 mg Na	30 June 2019
4.	Ready-to-eat savoury snacks, excluding salt-	800 mg Na	30 June 2016

	Foodstuff category	Maximum Total Sodium per 100 g foodstuff	Dates on which the total Sodium reduction becomes effective
I	II	III	IV
	and-vinegar flavoured savoury snacks	700 mg Na	30 June 2019
5.	Flavoured potato crisps, excluding salt-and-vinegar flavoured potato crisps	650 mg Na	30 June 2016
		550 mg Na	30 June 2019
6.	Flavoured, ready-to-eat, savoury snacks and potato crisps – salted and salt-and-vinegar only	1000 mg Na	30 June 2016
		850 mg Na	30 June 2019
7.	Processed meat (classes 1 [6], 4 [11] and 5 [13], where products in category 5 [13] relates to cured as per Annexure 1 [of the South African National Standard SANS 885:2011]-cured]	1300 mg Na	31 March 2017
		1150 mg Na	30 June 2019
8.	Processed meat (classes 2 [9], 3 [10] and 5 [13] where products in category 5 [13] relates to uncured as per Annexure 1 [of the South African National Standard SANS 885:2011]-uncured]	850 mg Na	30 June 2016
		650 mg Na	30 June 2019
9.	Raw-processed meat sausages (all types) and similar products	800 mg Na	30 June 2016
		600 mg Na	30 June 2019
10.	Dry savoury [soup] powders (not the instant type) Includes dry soup/stew powders intended to be reconstituted, cooked up and consumed as a soup/stew and /or used to thicken and/or add flavour to any type of savoury dish, where a thickener is a significant ingoing ingredient.	5500 mg Na	30 June 2016
		3500 mg Na	30 June 2019
11.	Dry gravy powders and savoury sauce powders, including all dry savoury gravy/sauce powders that require cooking or which are of the instant type, used as an accompaniment to a meal.	3500 mg Na	30 June 2016
		[1500] 2000 mg Na	30 June 2019
12.	Dry savoury powders with dry instant noodles to be mixed with a liquid Includes quick cooking Asian style noodles composed primarily of dry noodles with a seasoning sachet.	1500 mg Na	30 June 2016
		800 mg Na	30 June 2019
13.	Stock cubes, Stock powders, stock granules, stock emulsions, stock pastes or stock jellies Includes concentrated stocks / stew products in various formats used primarily to flavour savoury dishes.	18000 mg Na	30 June 2016
		[13000] 15000 mg Na	30 June 2019



**Substitution of regulation 3****METHODOLOGY OR TESTING OF TOTAL SODIUM:**

4. Regulation 3 of the Regulations is hereby substituted for the following regulation:

(1) For all foodstuff categories, suitable sodium potentiometric method or elemental analysis, with either AA (flame atomic absorption spectroscopy) or ICP (inductively coupled plasma), for determining typical total sodium content which shall be applied for monitoring and law-enforcement purposes; provided that these methods shall [may] also be used for routine testing or for the purpose of nutritional information labelling of the typical total sodium content by manufacturers. The samples shall be digested with a microwave digester and not ashing.


(2) The permitted tolerance for nutrient declaration in the nutrition labeling of sodium where no claim with a nutrition or health message is made, shall be in accordance with the Regulations Relating to the Advertising and Labelling of Foodstuffs [shall be not more than 20% in excess of the targeted sodium value, based on the product formulation or recipe]; Provided that where a claim with any nutrition or health message is made, the sodium value shall be at or below the sodium targets set out in these Regulations.

**Substitution of Regulation 4**

5. Regulation 4 of the Regulations is hereby substituted for the following regulation:

**Effective dates**

(4) These Regulations, for the purposes of Sodium content monitoring and the law enforcement thereof come into effect on the dates listed in column IV of Table 1 when these foodstuffs are offered for sale on or after the mentioned dates: Provided that in categories 10, 11, 12 and 13 the target date shall be the date of manufacture.

  
DR A MOTSOLEDI, MP  
MINISTER OF HEALTH  
DATE: 26/7/2017

## ANNEXURE 1

## Processed meats classification

Class number according to these Regulations	Generic description	Class examples
1	Comminuted, cured, heat treated products	Emulsion products (polonies, viennas)
2	Comminuted, uncured, heat treated products	<ul style="list-style-type: none"> <li>• Blanched pork sausages,</li> <li>• Uncured chicken viennas,</li> <li>• Polonies,</li> <li>• Fully cooked burgers</li> </ul>
3	Reformed, uncured, no partial heat treated products	<ul style="list-style-type: none"> <li>• Reformed nuggets,</li> <li>• Schnitzels</li> </ul>
4	Reformed, cured, heat treated	<ul style="list-style-type: none"> <li>• Reformed hams, chicken,</li> <li>• Turkey rolls</li> </ul>
5	Unspecified	

<b>CAPTURED COMMENTS ON THE REGULATIONS RELATING TO THE REDUCTION OF SODIUM IN CERTAIN FOODSTUFFS AND RELATED MATTERS: AMENDMENT NO R989 OF 6 SEPTEMBER 2016</b>			
<b>COMPANY NAME</b>	<b>COMMENT</b>	<b>REGULATOR ACCEPTED OR REJECTED COMMENTS</b>	
		<b>YES</b>	<b>NO</b>
1. <b>CONSUMER GOODS COUNCIL OF SOUTH AFRICA</b>	<p>The following reflects the feedback we have received from the Consumer Goods Council of South Africa's (CGCSA) Food Safety Initiative (FSI) members on the amendment to the sodium reduction regulations published on the 6<sup>th</sup> September 2016.</p> <p>In cases where a member had a view that was not shared by other members, the CGCSA has requested that the member submit their comments separately on behalf of their company. Where a view was expressed by a single member and no opposing views were shared with us, the comment was included here.</p> <p><u>Amendments to categories 7 and 8</u></p> <p>The members that submitted comments to the FSI on this section of the amendment, have no comments if the amendment is based on Edition 4 of SANS 885:2011, which is currently in Committee draft form. There were concerns with the amendment if Edition 3 is to be used. These can be shared with the Department of Health as necessary.</p> <p><u>Amendments to categories 10, 11 and 13</u></p> <p><u>Category 10</u></p>	See Annexure 1	-

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		<b>YES</b>	<b>NO</b>
	<p>Table 1, Category 10 currently reads 'Dry soup powder (not the instant type)' and has been amended to 'Dry soup powder including dry soup powders intended to be reconstituted, cooked up and consumed as a soup and/or used to thicken and/or add flavour to any type of savoury dish'. The industry proposed the following wording in July 2014, 'includes - dry savoury powders and dry soup powders either intended to be reconstituted, cooked up and consumed as a soup and/or used to thicken and flavour stews, sishebos and curry type dishes. Excludes - 'cup a soup' / "instant snack soup" type products that don't require cooking.'</p> <p>By specifying that this product category is for "soup" products the Department is creating a loophole whereby manufacturers could simply change the name of a product to not include the word "soup" thereby excluding their products from the regulation. It is well known that consumers use "dry savoury powders" as well as packet soups to thicken and flavour stew type products. In the spirit of the regulations, we believe that all "dry savoury powders" that provide a thickening benefit should be included in this section, not just soup powders.</p> <p><b>Category 11</b></p>	Accepted	

No. Used  
wording



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		<b>YES</b>	<b>NO</b>
	<p>Table 1, Category 11 currently reads 'Dry gravy powders and dry instant savoury sauces' and has been amended to 'Dry gravy powders and dry instant savoury sauces including all dry savoury gravy/sauce powders that require cooking or which are of the instant type, used as an accompaniment to a meal'. The industry proposed the following wording in July 2014, 'Includes instant gravy powder. Excludes gravy powders that require cooking. Includes all savoury instant sauces used as an accompaniment to a meal for example cheese or mushroom sauce. Excludes instant pasta sauces and savoury sauces that require cooking.'</p> <p>This product category was not included in the original draft sodium reduction regulations published in July 2012 and industry was not given an opportunity to comment on the targets proposed. The 2016 target was achievable across both instant and cook up sauces, however the 2019 target requires that sodium is reduced by a further 57% (which is equivalent to reducing salt further by more than half). This is going to be a huge challenge for industry to achieve and the product that is used as an accompaniment to a meal will be left largely unpalatable. We would request that the Department reconsiders the 2019 target and brings it more in line with reductions across other categories. We believe a reasonable reduction of a further 30% to a target of</p>	Compromised level of 2000 mg adopted	proposed by Deli Spices



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		YES
	<p>2500mg per 100g would be achievable although still a challenge to design a product that will still be acceptable to consumers.</p> <p><u>Category 13</u></p> <p>Table 1, Category 13 currently reads 'Stock cubes, stock powders, stock granules, stock emulsions, stock pastes or stock jellies' and has been amended to 'Stock cubes, stock powders, stock granules, stock emulsions, stock pastes or stock jellies including concentrated stocks/stew products in various formats used to flavour dishes'. The industry proposed the following wording in July 2014, 'Concentrated stocks/stew products in various formats used to flavour dishes e.g.: stew granules. Including liquids.'</p> <p>This amendment is acceptable. Categories 10 and 13 could however become confused and perhaps a distinction should be made that products that provide a thickening benefit should be classified under 'soups', category 10, as this would be considering the intention/spirit of the regulations.</p> <p><u>Commencement and effective dates</u></p>	Accepted

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<b>COMPANY NAME</b>	<b>COMMENT</b>	<b>REGULATOR ACCEPTED OR REJECTED COMMENTS</b>
		<b>YES</b> <b>NO</b>
	<p>The draft regulation from July 2012 stated that 'these regulations shall come into operation on the dates listed in column II of Table 1 below'. The final regulations stated that 'these regulations shall come into effect on the dates listed in column IV of Table 1 when these foodstuffs are offered for sale to consumers on or after the mentioned dates'. The amendment states that 'these regulations, for the purposes of sodium content monitoring and the law enforcement thereof, shall come into effect on the dates listed in column IV of Table 1 when these foodstuffs are offered for sale on or after the mentioned dates.</p> <p>The original draft regulation commencement date would be interpreted in the same way as current food labelling regulations commencement date which states "provided that for the purpose of compliance monitoring, the date of manufacture of foodstuffs, ....., will be considered the date from which full compliance to the provisions of these regulations are applicable". We would recommend aligning to this wording.</p> <p>Although the Department originally indicated that they had given industry an extra year to reformulate products, i.e.: from 2018 to 2019, by changing the wording of the date of commencement to read "offered for sale to consumers" means that any product with a</p>	<p>Wording that was accepted by SLA was used.</p>

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		YES NO
	shelf life of a year or more would need to be "compliant on shelf" a full year ahead of the date stated in the regulations. By aligning to R. 146 it simply means industry is given the full three years to reformulate products. This means that there will be consistency for those monitoring and enforcing these regulations and for the interpretation of the regulations.	
2. DELI SPICES	<p>Deli Spices do not actively supply the retail SA consumer with seasonings for food, instead our target market is:</p> <ul style="list-style-type: none"> <li>the food manufacturing sector who in turn manufacture prepared ready meals for sale to SA consumers in retail stores from our seasoning blends, or</li> <li>hospitals, orphanages, hostels, prisons or caterers, restaurants or hotels who prepare large scale meals from our seasoning blends, for SA consumers in their establishments.</li> </ul> <p>Since 2013 we have re-developed cook-up soup powders, gravy powders and stock powders to conform to the R214/2013 required sodium levels for June 2016.</p> <p>Q1: Were we correct in assuming that our gravies, sauces, stocks and soups blends also need to conform to the regulations?</p> <p>Or are seasoning blends not sold directly to SA consumers in retail stores exempt from the sodium reduction regulation?</p>	<p>All comments were included in the Guideline with appropriate answers</p>



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COMPANY NAME	COMMENT	YES	NO
	<p>An issue Deli Spices have is, in cases where we manufacture a custom blend for a food manufacturer and the food manufacturer requests that we omit the starches as it is financially more cost effective for them to procure the starch or modified starch directly and add it themselves in the production process. This causes the <u>gravy, sauce, stew or soup powder</u> to be very concentrated with a higher sodium content than the regulation permits.</p> <p>Deli Spices can label the blend as a "concentrate" or "flavouring" but the word "<u>gravy</u>", "<u>sauce</u>", "<u>stew</u>" or "<u>soup</u>" is still in the name and the intended use is still to prepare "gravy", "sauce", "stew" or "soup".</p> <p>We have a lot of production of concentrates for pie gravies, soups and sauces for ready meals where the manufacturer adds their own starches.</p> <p>Q2: What does the Dept of Health recommend Deli Spices could do in these instances?</p> <p>Regarding:</p>		

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COMPANY NAME	COMMENT	YES	NO
	<p>11. <u>Dry gravy powders and dry instant savoury sauces including all dry savoury gravy/sauce powders that require cooking or which are of the instant type, used as an accompaniment to a meal.</u></p> <p>30 June 2016</p> <p>3 500 mg Na</p> <p>30 June 2019</p> <p>1 500 mg Na</p> <p>Q3: The wording above is now confusing regarding instant gravy powders, could the DOH committee not consider changing the wording to read as: "Dry gravy powders and savoury sauce powders, including all dry savoury gravy/sauce powders that require cooking or which are of the instant type, used as an accompaniment to a meal."</p> <p>Q4: Why does DOH specifically include the phrase "used as an accompaniment to a meal." ? Will cheese sauce powder used to prepare "Macaroni &amp; Cheese" be exempt, as it forms the full meal/dish? Will white sauce powder used to prepare "Creamed Spinach" or "Broccoli and white sauce" be exempt, as it forms the full dish/meal?</p>		

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COMPANY NAME	COMMENT	YES	NO						
	<p>Would the category "sauce" exclude <b>Beef Stroganoff, Chicken a' la King , Chakalaka seasonings or Pasta sauce and Bolognaise</b> seasoning blends, as the sauce creates the full dish/meal?</p> <p>Would the category "savory gravy" exclude <b>dry Curry, Breyani, Fajita, Taco and Masala powder</b> seasoning blends, as the seasoning creates the full dish/meal?</p> <p>Q5: Deli Spices supply flavoured pie gravy seasonings to the savoury pie manufacturing industry. Do these regulations also cover sodium levels in pie <b>gravy</b> seasonings?</p> <p>Regarding:</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%; padding: 2px;">Stock cubes, stock powders, stock 18 000 mg Na</td> <td style="width: 50%; padding: 2px;">30 June 2016</td> </tr> <tr> <td style="padding: 2px;">granules, stock emulsions, stock pastes or stock jellies including concentrated stocks</td> <td style="padding: 2px;">13 000 mg Na</td> </tr> <tr> <td style="padding: 2px;">/ stew products in various formats used to flavour dishes.</td> <td style="padding: 2px;">30 June 2019</td> </tr> </table> <p>13.</p>	Stock cubes, stock powders, stock 18 000 mg Na	30 June 2016	granules, stock emulsions, stock pastes or stock jellies including concentrated stocks	13 000 mg Na	/ stew products in various formats used to flavour dishes.	30 June 2019		
Stock cubes, stock powders, stock 18 000 mg Na	30 June 2016								
granules, stock emulsions, stock pastes or stock jellies including concentrated stocks	13 000 mg Na								
/ stew products in various formats used to flavour dishes.	30 June 2019								
	<p>Q6: Can the Dept of Health give a specific definition of a "stew product" ? For "stew" would they also be referring to <b>curry powders</b> and <b>breyani masala</b></p>								



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		YES	NO
COMPANY NAME	COMMENT		
	<p>powders? Would the category "stew" also include traditional casseroles like <b>Beef Stroganoff, Various Bredies, Chicken a'la King, Chakalaka dishes (served warm) or Pasta Bolognaise</b> seasoning blends?</p> <p>Q7: Can the Dept of Health give a specific definition of a "concentrated" stocks/stew products stipulating a range of grammes per kg end product that would define a "concentrated" product versus a standard normal product?</p> <p>Q8: Deli Spices export savoury soup, gravy and sauce blends to food manufacturers in Zimbabwe, Zambia, Botswana, Mozambique and Kenya. Will Deli Spices still be able to supply customers with their custom blends, with higher sodium levels than permitted in South Africa, provided we strictly limit the sales of these specific lines to food manufacturers outside South Africa?</p> <p>Q9: A final question I have been pondering since GNR214/2013 was tabled, concerning sodium levels permitted in <b>gravy powders, soup powders and stock powders</b> – Did the Dept of Health have a specific reason why they did not define the sodium levels based on the <u>prepared end product for consumption</u> instead of on the concentrated product sold? As</p>		

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		<b>YES</b>	<b>NO</b>									
	<p>mentioned above, the food industry concentrates blended powders leaving out unneeded starches to save unnecessary costs for the consumer and now those manufacturers who concentrated their custom products are at a disadvantage regarding the sodium levels.</p> <p>For factories manufacturing ready meals, to attain the substantially lower June 2019 required sodium levels for soup, gravy or sauce powders, Deli Spices will have to remove salt from the soup, gravy or sauce concentrate and ask our customer, the ready meal manufacturer, to arrange that their production staff add additional salt together with the starch and modified starches they are adding.</p>											
<b>3. FREDDY HIRSCH GROUP</b>	<p><b>I ASSUME THE DRAFT REGULATIONS WERE BASED ON SANS 885 (ED. 4)</b></p> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="text-align: center;">REGULATION NUMBER</th> <th colspan="2" style="text-align: center;">PROPOSED WORDING OF CHANGE</th> </tr> </thead> <tbody> <tr> <td style="text-align: center;">CATEGORY 9 – RAW-PROCESSED MEAT SAUSAGES (ALL TYPES) AND SIMILAR PRODUCTS</td> <td style="text-align: center;">RAW</td> <td style="text-align: center;">800 MG NA</td> </tr> <tr> <td></td> <td style="text-align: center;">PROCESSED MEAT SAUSAGES (ALL TYPES) AND SIMILAR PRODUCTS</td> <td style="text-align: center;">600 MG NA</td> </tr> </tbody> </table>	REGULATION NUMBER	PROPOSED WORDING OF CHANGE		CATEGORY 9 – RAW-PROCESSED MEAT SAUSAGES (ALL TYPES) AND SIMILAR PRODUCTS	RAW	800 MG NA		PROCESSED MEAT SAUSAGES (ALL TYPES) AND SIMILAR PRODUCTS	600 MG NA	Refer to Annexure 1 for solution to problem raised	
REGULATION NUMBER	PROPOSED WORDING OF CHANGE											
CATEGORY 9 – RAW-PROCESSED MEAT SAUSAGES (ALL TYPES) AND SIMILAR PRODUCTS	RAW	800 MG NA										
	PROCESSED MEAT SAUSAGES (ALL TYPES) AND SIMILAR PRODUCTS	600 MG NA										

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		YES NO
4. PICK 'N PAY	<p>Pick n Pay has spent considerable time and effort and incurred great cost to make sure that we are compliant with the regulations by the due date, including for processed meat products where it was exceptionally difficult to achieve the prescribed limits. This has even lead to some producers closing their doors as they were unable to reach the reduced limits.</p> <p>We have now become aware that the processed meat industry has lobbied the Department to increase the maximum Sodium limit permitted in processed meat and to remove certain classes of processed meat products from the Sodium Reduction Regulations altogether, all based on a draft SANS 885 document (version 4) to which the public has no access and which is itself still a work in progress. We find this situation grossly unfair as the public and other industry participants have had no say in the drafting of SANS885 which is a voluntary standard. An example of this is that currently the committee draft of SANS885 shows class 13 as unspecified therefore this class can be cured or uncured – hence the appearance of class 13 in both 7 and 8 in the amendment proposal R989.</p> <p>We wish to express our dismay that whereas we have tried to be good citizens and to take all the steps necessary, however difficult, to comply with the regulations when they came into force, the Department has allowed or is about to allow those industry players</p>	<p>Concerns have been addressed and rectified – refer to Annexure 1</p> <p>WITH 850MG/100G</p>



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<b>COMPANY NAME</b>	<b>COMMENT</b>	<b>YES</b>	<b>NO</b>
<b>5. PIONEER FOODS</b>	<p>who have not done so to merely continue with elevated sodium levels which may be of commercial advantage to them over Pick n Pay while, in accordance with the policy of Prof Freeman who has been driving the sodium reduction initiative, it is harmful to consumers. I am attaching the feedback from SAMPA when the amendment was queried, for your perusal.</p> <ol style="list-style-type: none"> <li>1. The aforementioned has reference as well as the draft amendment published in September 2016. * Ref: Government Gazette No. 40252; dated 6 September 2016</li> <li>2. Kindly note that we herewith wish to express our appreciation to the offices of the Department of Health ("DoH"), for affording us with an opportunity to participate in the process of policy making.</li> <li>3. Noteworthy to highlight is that Pioneer Foods (Pty) Ltd ("Pioneer Foods"/"the Company") is a leader in the food and beverages industries in Southern Africa, whilst selling its products around the world. Its core business however remains the production, distribution, marketing and selling of a diverse range of food, beverages and related products – this includes the Company being (among others) a prominent player in the maize and wheat product categories.</li> <li>4. Please be advised that further to the Food Safety Initiative's (FSI) submission made to your offices on behalf of the broader industry dated 5 December 2016, kindly find attached</li> </ol>		
			Refer to Guidelines for further clarification,

CAPTURED COMMENTS ON THE REGULATIONS RELATING TO THE REDUCTION OF SODIUM IN CERTAIN FOODSTUFFS AND RELATED MATTERS: AMENDMENT NO R989 OF 6 SEPTEMBER 2016		REGULATOR ACCEPTED OR REJECTED COMMENTS	
COMPANY NAME	COMMENT	YES	NO
	<p>hereto Pioneer Foods' submission (marked herein as "Annexure A") which outlines our additional recommendations relevant to the draft Regulations relating to the Reduction of Sodium in certain Foodstuffs and related matters.</p> <p>5. We trust that you find the above mentioned in order, as well as the attached supporting document which summarises our commentary.</p> <p>4.1 "For all foodstuff categories, ....., provided that these methods <u>may</u> also be used for routine testing or for the purpose of nutritional information labelling of the typical total sodium content by manufacturers"</p> <p>R429 (in its draft format) requires that nutritional information shall be mandatory on all food labels, except food products produced for sale by a food home industry or unless otherwise indicated by these Regulations.</p> <p><b>Request for Clarification:</b></p> <ul style="list-style-type: none"> <li>In the event of a manufacturer not making a claim, there is no obligation to have a nutrient table on the product's packaging. In order prevent the consumer being misled, kindly advise how the regulator (policy maker) will go about to "police" this particular requirement if the disclosure of same is not regarded mandatory?</li> </ul> <p><b>Recommendation:</b></p> <ul style="list-style-type: none"> <li>If it is indeed not a requirement to indicate and/or declare the sodium content on pack, Pioneer Foods wishes to recommend the insertion of "shall" (i.e. instead of using the words "...may also be used...")</li> </ul>		

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	<p>*I.e. Paragraph 4.1 to read "For all foodstuff categories,..., provided that these methods shall also be used for routine testing or for purpose of nutritional information labelling of the typical total sodium content by manufacturers".</p> <p><b>Nota Bene:</b> The aforementioned recommendation is to ensure the following:</p> <ol style="list-style-type: none"> <li>1. Adequate disclosure and transparency aimed at empowering the consumer; and</li> <li>2. Alignment with other applicable regulatory requirements impacted by this requirement (e.g. R429 in its current draft state if published after the Sodium Regulations. Alternatively, R146 if published before R429).</li> </ol> <p>Paragraph 4 (2) "The permitted tolerance for nutrient declaration in the labelling of sodium where no claim with a nutrition or health message is made, shall be not more than 20% in excess of the targeted sodium value, based on the product formulation or recipe; Provided that where a claim with any nutrition or health message is made, the sodium value shall be at or below the sodium targets set out in these Regulations."</p> <p>Important to highlight is that consistency is key – making a claim should not be regarded a differentiating factor in terms of increasing or lowering the tolerance levels.</p> <p>Having such a wide tolerance (i.e. 20% as proposed in the draft Sodium Regulations, will</p>		



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	<p>defeat the purpose insofar resulting in some products not even having to reduce its sodium levels.</p> <p><b>Recommendation:</b></p> <p>For testing and monitoring purposes, a tolerance level needs to be provided for.</p> <p>However, a narrower tolerance level is herewith recommended to the Department of Health, given the 20% proposed as per the draft being too wide – in particular, in the event of making a claim.</p> <p>The reported (declared) sodium value should also be at or below the sodium target set out in these regulations.</p>		
<b>6. RIALTO</b>	<p><b>1. Table 1.1: Bread</b> Would flat breads such as wraps fall under this category?</p> <p><b>2. Table 1.11: Dry powdered gravies and instant sauces</b> The regulation should refer to the ready to eat sauce and not the dry powder, as the formulation of the gravy powder will all be different. The amount of water to add will differ from brand to brand therefore consumers cannot make an informed decision by looking at dry powder sodium level as it's not a true reflection of the product consumed. See the below the</p>	Answers addressed in Guidelines	

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	<p>testing conducted on the noodles which shows that the amount of sodium consumed is extremely low when the correct amount of water is added as per the recipe on pack.</p> <p><b>3. Cured and fermented meats:</b> With regards to the amended definition for “<b>processed meats</b>” I have the following queries: The word [<b>fermenting</b>] has been omitted from the definition. Does this mean that all <b>fermented</b> Salami products are excluded from the definition? The definition also makes reference to “<b>Traditionally speciality guaranteed</b>” products which are excluded from the definition. What type of products are classified as “<b>Traditionally speciality guaranteed</b>”? The definition excludes <b>speciality products produced using traditional methods</b>. Is fermentation seen as a traditional method in the production of salamis?</p> <p>Below an extract of the amended definition</p>		

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		YES
	<p>Amendment of regulation 1</p> <p>2. Regulation 1 of the Regulations is hereby amended by---</p> <p>(a) the substitution of the definition of 'processed meats' for the following definition:</p> <p>"processed meats' for the purpose of these Regulations means processed meat products in classes 6, [7], 9, 10, 11 [12] and 13 [14] of the South African National Standard SANS 885:2011, edition 3 or any future revision thereof, that has undergone any action that substantially altered its original state (including, but not limited to, heating, smoking, curing, [fermenting,] maturing, drying, marinating, [drying,] extraction or extrusion or any combination of these processes), but excludes-</p> <p>(a) raw processed meat sausages or similar products;</p> <p>(b) Protected Designation of Origin' products;</p> <p>(c) Protected Geographical Indication' products, e.g., Mortadella;</p> <p>(d) Traditionally speciality guaranteed' products; and</p> <p>(e) speciality products produced using traditional methods such as immersion and dry cured processes."</p>	



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COMPANY NAME	COMMENT		
	<p><b>4. Seasoning sachet for noodles: 1500mg NA (June 2016), 800mg NA (June 2019).</b></p> <p>The huge reduction in the NA will result in manufacturers using large amounts of flavour enhancers to add to the flavour profile of the noodles. The reduction in NA from 1500 to 800 is not realistic if one is trying to achieve a clean label product either.</p> <p>There are many articles on the bad health effects of flavour enhancers and therefore we would prefer not to start using large amounts of flavour enhancers in order to meet the sodium regulation for 2019 on dry savoury powders with dry instant noodles.</p> <p>We have conducted a sodium test at an accredited laboratory on a current noodle product when in the ready to eat format (spice sachet, water and noodle) the NA content is 377mg/100g. Whereas the dry powder has a NA level of 1131.1 mg/100g. Therefore based on the ready to eat result the sodium consumed is very low. Please take into consideration the ready to eat sodium level in the regulation. Laboratory reports can be supplied if required.</p> <p><b>5. 20% allowance from regulation if no claim is made:</b> Please clarify whether we are reading the below paragraph correctly: Our interpretation is that we may deviate from the sodium levels by up to 20% provided that no health claim is made</p>	<p>All dry powders were treated the same namely maximum levels for determined for dry powder not the reconstituted product</p>	<p>Rejected</p>

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		<b>YES</b>	<b>NO</b>								
	<p>on pack.</p> <p>4 (2) The permitted tolerance for nutrient declaration in the labelling of sodium where no claim with a nutrition or health message is made, shall be not more than 20% in excess of the targeted sodium value, based on the product formulation or recipe; Provided that where a claim with any nutrition or health message is made, the sodium value shall be at or below the sodium targets set out in these Regulations."</p> <p>Substitution of</p> <p>An example of this would be:</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="text-align: center;">Product</th> <th style="text-align: center;">Sodium Value</th> <th style="text-align: center;">Sodium requirement 2019</th> <th style="text-align: center;">Compliant 2019?</th> </tr> </thead> <tbody> <tr> <td>Snack: Saltelli Breadsticks (salted breadstick)</td> <td>Current breadstick NA result : 895 mg /100 g</td> <td>850 mg / 100 g</td> <td>Yes (providing excess statement true if no claim made – allow would then be 1020 mg).</td> </tr> </tbody> </table>	Product	Sodium Value	Sodium requirement 2019	Compliant 2019?	Snack: Saltelli Breadsticks (salted breadstick)	Current breadstick NA result : 895 mg /100 g	850 mg / 100 g	Yes (providing excess statement true if no claim made – allow would then be 1020 mg).		
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	<p>regulation: 1000 mg NA</p> <p>Should we make any health claim whether it be a reduced fat claim etc. then the 20% sodium allowance above the limits stipulated is not allowed.</p> <p><b>6. Pretzels:</b> Pretzels to be removed from the regulation as suggested.</p>		
7. ROYCO	Label examples were provided – not available electronically	Pretzels were already excluded from R989/6 Sept 2016	
8. SAMPA (SOUTH AFRICAN	<p><u>General comments:</u> 2(a) reference is made to SANS885:2011 edition 3 or any future revision thereof Edition 4 (currently a Committee draft) are being used and SAMPA is therefore working from</p>	Addressed	



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MEAT PROCESSORS ASSOCIATION )	Edition 4.			
	Summary of classes (SANS885 Edition 4) to assist with comments and clarification			
	SANS885 class ref	Cured or uncured	Additional comment	
	6	cured		
	7	uncured	Dried product – outside of sodium regulation	
	8	cured	Dried product – outside of sodium regulation	
	9	Uncured		
	10	Uncured		
	11	Cured		
	12	Cured		
	13	Cured and uncured	Therefore part of processed cured and uncured to R214	
	7	Processed meat (Classes 6, 11 and 13 where products in	1300 mg Na	31 March 2017

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	Class 13 relates to cured of the South African national Standard SANS885:2011 – Committee draft Edition 4 used	30 June 2019	
	8 Processed meat (Classes 9, 10 and 13 where products in class 13 relates to uncured of the South African National Standard SANS885:2011 – Committee draft Edition 4 used	30 June 2016	
		30 June 2019	
9. The Heart and	Our comments pertain primarily to a suggested inclusion of an additional foodstuff category		No, it is a

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		YES NO
Stroke Foundation	<p>for brined chicken, to complement the recent regulations limiting levels of formulated solution allowed for whole chicken carcasses and chicken portion (Regulations regarding control over the sale of poultry meat: Amendment R471). Although our team of nutrition specialists have researched this matter thoroughly, we recommend further investigation regarding the feasibility of the proposed levels.</p> <p>Proposal:                      Whole chicken, fresh/frozen and chicken portions fresh/frozen:                      250 mg Na/100g for 260                      120 mg Na/100 g for 2019 (aligned with making low Sodium claim)</p>	<p>new addition which has not been published for comments in R989 of 6 Sept 2016. It can only be considered as a new amendment and then published for comments</p>
10. TIGER	The processed meat categories have been rectified in terms of correcting the classes of	Addressed – refer to



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<b>BRANDS</b>	<p>processed meats (as per the pending edition 4 of SANS 885:2011) corresponding to uncured and cured and thus now references the correct maximum limit. In addition we support the new limits and timelines granted for category 7.</p> <p>In terms of the effective dates, we would urge the Department to align to the current Labelling and Advertising Regulations, No. R. 146 of 2010 where for the purpose of compliance monitoring, the date of manufacture of products is considered the date from which full compliance to the regulations will become applicable. The current effective date (when it is offered for sale) means that long shelf life products need to be compliant months (if not years) in advance if the effective date of the regulations is when it is offered for sale.</p>								
<b>UNILEVER</b>	<p><b>1. Foodstuff category descriptions for category 10 and 13:</b></p> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="text-align: center;"><b>Foodstuff Category</b></th> <th style="text-align: center;"><b>Recommendation</b></th> <th style="text-align: center;"><b>Justification</b></th> </tr> </thead> <tbody> <tr> <td>Dry soup powder including dry soup powders intended to be reconstituted, cooked up and consumed as a soup and/or used to thicken and/or add flavour to any type of savoury dish.</td> <td>Dry soup/stew powder, intended to be reconstituted, cooked up and consumed as a soup and/or used to thicken and/or add flavour to any type of savoury dish. The primary purpose being to thicken the dish.</td> <td>By specifying that this product "soup" products the Department whereby manufacturers could si product to not include the wor their products from the regulatio example where this has happen that consumers use "dry save</td> </tr> </tbody> </table>	<b>Foodstuff Category</b>	<b>Recommendation</b>	<b>Justification</b>	Dry soup powder including dry soup powders intended to be reconstituted, cooked up and consumed as a soup and/or used to thicken and/or add flavour to any type of savoury dish.	Dry soup/stew powder, intended to be reconstituted, cooked up and consumed as a soup and/or used to thicken and/or add flavour to any type of savoury dish. The primary purpose being to thicken the dish.	By specifying that this product "soup" products the Department whereby manufacturers could si product to not include the wor their products from the regulatio example where this has happen that consumers use "dry save		
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			<p>packet soups to thicken and flavour stew type products. In light of the "spirit of the regulations" we believe that all "dry savoury powders" that provide primarily a thickening benefit and a secondary flavouring benefit should be included in this section, not just soup powders. Determined by starch being the major ingredient.</p> <p>Categories 10 and 13 could become confused and a distinction should be made that this category is products whose <u>Primary</u> purpose is to add flavour and season with minimal thickening. Products that provide primarily a thickening benefit should be <del>classified as "stew soups"</del> category 10 as this would be taking into account the consumers use of the product and the intention/spirit of the regulations.</p>						
	<p>Stock cubes, stock powders, stock granules, stock emulsions, stock pastes or stock jellies including concentrated stocks/stew products in various formats used to flavour dishes whose <u>Primary</u> purpose is to add flavour and season dishes with minimal thickening.</p>								
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<p><b>2. Sodium targets for product category 11:</b></p> <table border="1"> <thead> <tr> <th>Foodstuff Category</th> <th>Recommendation for Sodium</th> <th>Justification</th> </tr> </thead> <tbody> <tr> <td></td> <td></td> <td></td> </tr> </tbody> </table>				Foodstuff Category	Recommendation for Sodium	Justification			
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	<p>Dry gravy powders and dry instant savoury sauces including all dry savoury gravy/sauce powders that require cooking or which are of the instant type, used as an accompaniment to a meal.</p>	<p><b>Target</b> Add in a 30% drop for 2019 and potentially a further drop for 2022 to read:  3500 mg Na - 30 June 2016  2500 mg Na - 30 June 2019</p>	<p>In the original draft sodium reduction regulations published in July 2012, gravies, soups, and sauces were included in the same product category as soups. The target for this category was 5500 mg Na for 2016 and 2019 respectively. Product category 11 was a new category created in the final regulations and as such, stakeholders were not given an opportunity to comment on the targets proposed whatsoever. The 2016 target was achievable across both instant and cook up sauces, however the 2019 target requires sodium to be reduced by a further 57% (reduce salt further by more than half). This is going to be an enormous challenge for consumers to adapt to and for industry to achieve. The product that is used as an accompaniment to a meal will be left largely unpalatable. We would request that the Department seriously considers a more gradual drop for 2019 of 30% to 2500</p>



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		<p>mg Na which is more in line with reductions across other categories. A further reduction by 2022 could be considered if necessary.</p>									
	<p><b>3. Regulation 4: Effective dates</b></p> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 25%;">Draft Wording</th> <th style="width: 25%;">Amendment</th> <th style="width: 25%;">Proposal</th> <th style="width: 25%;">Justification</th> </tr> </thead> <tbody> <tr> <td>These Regulations, for the purposes of sodium content monitoring and the law enforcement thereof, shall come into effect on the dates listed in column IV of Table 1 when these foodstuffs are offered for sale on or after the mentioned dates.</td> <td>These Regulations, for the purposes of sodium content monitoring and the law enforcement thereof, shall come into effect on the dates listed in column IV of Table 1 provided that for the purpose of compliance monitoring and the law enforcement thereof, the date of manufacture of foodstuffs will be considered the date from which full compliance to the provisions of these regulations are</td> <td>These Regulations shall come into effect on the dates listed in column IV of Table 1 provided that for the purpose of compliance monitoring and the law enforcement thereof, the date of manufacture of foodstuffs will be considered the date from which full compliance to the provisions of these regulations are</td> <td>This is in line with other R146 published under Cosmetics and Disinfectants. Although the Department announced that they had an extra year to reformulate products, by the end of 2018 to 2019, by changing the date of commencement of sale to consumers' market, any product with a shelf life would need to be "com-</td> </tr> </tbody> </table>			Draft Wording	Amendment	Proposal	Justification	These Regulations, for the purposes of sodium content monitoring and the law enforcement thereof, shall come into effect on the dates listed in column IV of Table 1 when these foodstuffs are offered for sale on or after the mentioned dates.	These Regulations, for the purposes of sodium content monitoring and the law enforcement thereof, shall come into effect on the dates listed in column IV of Table 1 provided that for the purpose of compliance monitoring and the law enforcement thereof, the date of manufacture of foodstuffs will be considered the date from which full compliance to the provisions of these regulations are	These Regulations shall come into effect on the dates listed in column IV of Table 1 provided that for the purpose of compliance monitoring and the law enforcement thereof, the date of manufacture of foodstuffs will be considered the date from which full compliance to the provisions of these regulations are	This is in line with other R146 published under Cosmetics and Disinfectants. Although the Department announced that they had an extra year to reformulate products, by the end of 2018 to 2019, by changing the date of commencement of sale to consumers' market, any product with a shelf life would need to be "com-
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		<p>Concern addressed and included.</p>									

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11. Rudy Maliepaard M.Sc (Biochemistry) Sales Manager (METTLER TOLEDO Lab Instrumentation & AutoChem) Office: +27 11	applicable.	year ahead of the date stated in the regulations. By aligning to R146 and other regulations published under the Act it simply means industry is actually given the full three years to reformulate products – a challenge in itself – but also means more consistency for those monitoring and enforcing these regulations and for interpretation of regulations.		
	E-mail: 7 Feb 2017	Regarding the amendments published in the September 6 Government Gazette regarding the Regulations relating to the reduction of sodium in certain food stuffs, please consider the following: With reference to 4. (1), the word "direct" has been omitted, which means that direct sodium measurement is no longer a requirement of the law, contrary to the previous versions, and that indirect potentiometric methods are now also acceptable. The test of concern is specifically the potentiometric method. Here, typically an indirect sodium (Na+) measurement is performed by determining the amount of chloride (Cl-) by potentiometric titration using silver nitrate (AgNO3) as the titrant. Historically this was a good	Mail was forwarded to Mr Carel Morren of the Forensic lab on 8/2/2017 for his comments. His response was as follows:  "I had a look at the application brochure of the Sodium	

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<p>553 2300 Fax: + 27 11 553 2400 Cell: + 27 72 226 0563 Email: rudy.mallepaar d@microsep.co.za www.microsep.co.za</p>	<p>test to perform since Salt consists of 1 sodium atom and 1 chloride atom. However, where specifically sodium and not salt needs to be quantified, the indirect method (chloride analysis) is not an accurate representation of the sodium content due to the presence of sodium atoms originating from sources other than salt that is included in the recipes. At the same time, there may also be other sources of chloride (e.g. KCl - potassium chloride, which is often used as a salt substitute) added to the product. Hence, I would like to urge that the wording be updated as per the original version to only allow methods that involves the direct (not indirect) measurement of sodium. Potentiometric titration technology has been available for a few years already that is capable of direct sodium measurement as opposed to the inaccurate indirect measurement. I hereby attached an extensive application brochure that describes the working of direct sodium potentiometric analysis for your perusal.</p>	<p>analyser. I do not think this product can be used for all applications to determine sodium; eg I am not sure if this analyser can analyse meat products.  The methods we currently use is a microwave digester that can digest any sample type, there after we analyse the sodium on the ICP-MS.</p>	<p>I do not think this sodium analyser from Mettler Toledo will be suitable from general lab use."</p>