

No. R. 597

29 May 2009

AGRICULTURAL PRODUCT STANDARDS ACT, 1990  
(ACT No. 119 OF 1990)

**REGULATIONS RELATING TO THE GRADING, PACKING AND MARKING OF PEARS DESTINED  
FOR SALE IN THE REPUBLIC OF SOUTH AFRICA**

The Minister of Agriculture has under Section 15 of the Agricultural Product Standards Act, 1990 (Act No. 119 of 1990) –

- (a) made the regulations in the Schedule;
- (b) determined that the said regulations shall come into operation on the date of publication;
- (c) read together with section 3(2) of the said Act, repealed the regulation published by Proclamation Nos. R. 22 of 22 February 1973, R. 2859 of 29 December 1989, Government Notices Nos. R. 2177 of 3 November 1978, R. 623 of 28 March 1980, R. 1001 of 13 May 1983, R. 2677 of 19 December 1986, R. 680 of 14 April 1989 and R. 1924 of 27 April 1990.

**SCHEDULE**

**Definitions**

1. In these regulations, unless inconsistent with the context, any word or expression to which a meaning has been assigned in the Act, shall have that meaning, and –

**"Arthropoda"** means any stage in the life cycle of an invertebrate member of the Animal Kingdom that is bilaterally symmetrical with a segmented body, with jointed limbs that are paired and a chitinous external skeleton;

**"blemish"** means any external skin defect, excluding sunburn, russeting, rough marks and wind marks on the surface of the pear which detrimentally affects the appearance of the pear;

**"bruise"** means any bruise which shows indentation or results in discolouration directly under the skin;

**"chemical residues"** means residues of agricultural remedies which in terms of the Fertilizers, Farm Feeds, Agricultural Remedies and Stock Remedies Act, 1947 (Act No. 36 of 1947), are permissible for the treatment of pests and diseases and which do not exceed the prescribed maximum residue limit;

**"consignment"** means –

- (a) a quantity of pears of the same cultivar, belonging to the same owner, and delivered at the same time under cover of the same delivery note, consignment note or receipt note, or delivered by the same vehicle; or
- (b) in the case of a quantity of pears which is divided into different cultivars, classes, counts, pallet loads, trade marks or type of packaging, every quantity of each of the different cultivars, classes, counts, pallet loads, trade marks or types of packaging;

**"container"** means the immediate container in which pears are packed directly, the outer container in which prepacked units are packed and bulk containers, excluding prepacked units and shipping containers in which pallet loads are shipped;

**"count"** means the number of pears packed in a container.

**"decay"** means a state of decomposition, fungus development excluding stems, internal insect infestation or internal insect damage with signs of tissue collapse or insect excrement, which detrimentally affects the quality of the pears;

**"diameter"** means the largest diameter measured at right angles to the longitudinal axis of the pear;

**"dirty fruit"** means pears that are visible soiled or marked with foreign matter excluding chemical residues;

**"Food business operator (FBO)"** means the person or persons responsible for ensuring that the prescribed requirements of these standards are met within the food business as under his or her control and include both the management of the food business as well as the person with overall authority on site or in the specific establishment;

**"food safety"** means the assurance that a food product is acceptable for human consumption according to its intended use;

**"foreign matter"** means any material or substance not normally present in, on or between the pears;

**"hail marks"** means marks which have been caused by hail, which have healed completely or become callused and which exceed 2 mm in depth;

**"injury"** means any wound or puncture which has pierced the skin of the pear and exposes the flesh, with the exception of such wounds or punctures which have become completely callused;

**"inspector"** means the Executive Officer or an officer under his or her control, or an assignee or a qualified employee of an assignee;

**"internal breakdown"** means a state of physiological deterioration affecting the internal quality of the pear detrimentally;

**"pears"** means the fruit of the cultivars which are grown from the species *Pyrus communis*;

**"prepacked unit"** means any single packing unit for presentation as such to the consumer consisting of pears and the packaging into which pears were put before being offered for sale;

**"suitable"** means to be suitable according to the opinion of the Executive Officer;

**"the act"** means the Agricultural Product Standards Act, 1990 (Act No. 119 of 1990);

**"traceability"** means the ability to trace and follow a food product or any substance intended to be or expected to be incorporated into a food product through all stages of production, packing, processing, packaging, handling and distribution;

**"weight"** means mass in grams measured on a calibrated balance; and

**"well-formed"** means that the pears have a shape which is normally typical of the cultivar concerned.

**Control over the sale of pears**

2. (1) No person shall sell pears in the Republic of South Africa, other than imported pears referred to in subregulation (3) –

- (a) unless the pears are unclassified or sold according to the classes referred to in regulation 3;
- (b) unless the pears comply with the Standards for classified pears regarding quality referred to in regulation 4;

- (c) unless such pears are packed in a container and in accordance with the packing requirements as set out in regulations 5, 6, 7, 8 and 9;
- (d) provision concerning presentation as set out in regulation 10;
- (e) pears comply with traceability requirements as set out in regulation 11;
- (f) unless such pears are marked with the particulars and in the manner prescribed in regulation 12; and
- (g) if such pears contain a substance(s) that render them unfit for human/animal consumption as for processing into or utilization thereof as food or feed;
- (h) if the pears contains a substance prescribed as a substance which it may not contain according to Act 36 of 1947; and
- (i) if the pears contains biological or chemical contaminants in quantities or at levels that exceed the maximum limits prescribed in terms of the Foodstuffs, Cosmetics and Disinfectants Act 1972 (Act No. 54 of 1972).

(2) Pears sold by vendors in streets (excluding retailers and supermarkets) and other public are excluded from the stipulations in subregulation 2(1) (a), (b), (c), (d), (e), (f), (g), (h) and (i): Provided that if such pears are marked in terms of item 12 and 13 it shall be subjected to the aforementioned stipulations.

(3) Imported pears may be exempted from the provisions of subitem (1), provided that the pears –

- (a) comply with either the Codex, UNECE (United Nations Economic Commission for Europe) or OECD (Organisation for Economic Co-operation and Development) standards;
- (b) according to bilateral agreement accompanied by certificate issued by a relevant government authority responsible for quality control of fresh fruit and vegetables and in which it is certified that the quality of the pears as verified through inspection conforms to the relevant standard;
- (c) do not contain a substance prescribed as a substance which it may not contain according to Act 36 of 1947; and
- (d) do not contain biological or chemical contaminants in quantities or at levels that exceed the maximum limits prescribed in terms of the Foodstuffs, Cosmetics and Disinfectants Act, 1972 (Act No. 54 of 1972).

(4) The Executive Officer may grant written exemption, entirely or partially, to any person on such conditions as he or she deems necessary, from the provisions of subitem (1).

#### **QUALITY AND FOOD SAFETY STANDARDS**

##### ***Classes for pears***

3. There are two classes of pears, namely Class 1 and Class 2.

##### ***Standards for classes***

4. (1) Pears shall –

- (a) be fit for human consumption; and
- (b) contain no chemical residues that exceed the prescribed maximum residue levels.

- (2) Pears shall comply with the specifications set out in Table 1, 2, 3 and 4.
- (3) No consignment of pears "Class 1" and "Class 2" shall contain –
  - (a) any organisms which may be a source of danger to the human being; and
  - (b) Arthropoda infestation including the organisms which according to paragraph (a) do not form part of plant injurious organisms, excluding organisms which may be a source of danger to the human being, on more than 3% of the pears or three free live Arthropoda per pallet load or part thereof in the consignment: Provided that it does not exceed a maximum of one Arthropoda per container.

#### **PACKING REQUIREMENTS FOR PEARS**

##### ***General***

- 5. Containers in which pears are packed shall –
  - (a) be clean, dry, undamaged and suitable;
  - (b) not impart a foreign taste or odour to the pears;
  - (c) be free from any visible signs of fungus growth;
  - (d) be free from *Arthropoda* infestation; and
  - (e) be strong and rigid enough to ensure that the original shape be retained and not bulge out, dent in, break or tear, to the extent that the pears are damaged or are at risk of being damaged, during normal storage, handling or transport.

##### ***Packing requirements for pears***

- 6. (1) Only pears of the same quality, cultivar, ripeness and size shall be packed together in the same container.
  - (2) Class 1 pears in the same container must be uniform in colour.
  - (3) Each container shall be packed firmly and to capacity.
  - (4) Pears shall be sized: Provided sizing shall be optional in the case of Class 2 pears.
  - (5) If pears are packed in prepacked units, such units shall be packed in a suitable manner in an outer container: Provided that the prepacked units are clean, dry, undamaged and suitable.

##### ***Packing material***

- 7. If packing material is used inside the containers, such packing material shall be clean, dry, odourless and of a quality such as to avoid causing any external or internal damage to the pears.

##### ***Stacking of containers on pallets***

- 8. If containers containing pears are palletised –
  - (a) the pallet shall be clean, undamaged and suitable;
  - (b) local pallets will have visible signs of fungus growth and Arthropoda infestation. This is only applicable to export. Imports will be covered by the ISPM 15;

- (c) the containers shall be stacked firmly and square with each other and the pallet;
- (d) only containers of the same dimensions shall be stacked in the same layer on the pallet; and
- (e) the containers shall not be stacked upside-down on the pallet.

**Strapping of the pallets loads**

9. (1) A pallet load of containers shall be strapped in a suitable manner.
- (2) If containers without lids are used, a suitable covering shall be placed on top of the pallet load of containers, before the pallet load is strapped

**Provisions concerning presentation**

10. (1) Uniformity

The contents of each package must be uniform and contain only pears of the same origin, variety, quality and size (if sized) and the same degree of ripeness. The visible part of the contents of the package must be representative of the entire contents except for mixed sizes and varieties.

**TRACEABILITY REQUIREMENTS**

11. Food business operators shall:

- (a) establish the traceability of pears at all stages of production, packing, handling and distribution;
- (b) be able to identify any person or supplier from whom they have been supplied with pears, or any substance intended to, or expected to be used in the production or processing of pears;
- (c) have in place systems and procedures to identify other businesses to which their pears have been supplied;
- (d) ensure that adequate procedures are in place to withdraw pears from the trade where such pears present a serious risk to the health of consumer;
- (e) immediately withdraw pears from the trade which were identified as food products that present a serious risk to the health consumers;
- (f) immediately inform the Executive Officer of such withdrawal;
- (g) immediately make available to the Executive Officer, on request any relevant information or documentation mentioned in (a), (b), (c), (d), (e) or (f); and
- (h) keep records of the information mentioned in (g), as well as any other relevant information for at least two years.

**MARKING REQUIREMENTS FOR PEARS****General**

12. (1) Each container containing pears shall be marked clearly, indelibly, legibly and not untidy, upside-down or skew in block letters and numerals on any visible short or long side of the lid, or container. Where lids are not used, by printing, stamping or by means of specially designed labels with the expression "pears": Provided that all particulars shall be grouped on the same side.

- (a) The expression "Pears".