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DEPARTMENT OF AGRICULTURE

No. R

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

REGULATIONS RELATING TO THE GRADING, PACKING AND MARKING OF ONIONS AND SHALLOTS INTENDED 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; and
- (b) determined that the said regulations shall come into operation on date of publication.

SCHEDULE

Definitions

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

"consignment" means a quantity of onions or shallots of the same class which belongs to the same owner, delivered at any one time under cover of the same delivery note, consignment note or receipt note or delivered by the same vehicle, or if any such quantity is subdivided into different size groups or cultivars, each quantity of each of the different size groups or cultivars;

"diameter" means the largest diameter of an onion or shallot, measured at right angles to a line running from the stem end to the root base;

"decay" means a state of decomposition, fungus development or internal insect infestation, that partly or completely detrimentally affects the quality of the onions and shallots;

"double bulb" means an onion or a shallot which clearly consists of more than one bulb when adjudicated on external appearance;

"foreign matter" means any material not normally present in, on or among the onions or shallots;

"inspector" means the Executive Officer or an officer under his control or an Assignee or an employee of an Assignee;

"malformed" means that the shape of an onion or shallot of any cultivar is not typical of that cultivar;

"onion and shallot" means the bulb of any cultivar of the plant Allium cepa, excluding onions and shallots intended for processing in a factory;

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

"thick neck bulb" means an onion or shallot whose neck in proportion to the bulb thereof, is abnormally thick.

Restrictions on the sale of onions and shallots

2. (1) No person shall sell onions or shallots in the Republic of South Africa --
 - (a) unless the onions or shallots are sold according to the classes as referred to in regulation 3;

- (b) unless the onions or shallots comply with the standards regarding quality as referred to in regulations 4 and 5;
- (c) unless such onions or shallots are packed in a container and in the manner as prescribed in regulations 6, 7 and 8;
- (d) unless such onions or shallots are marked with the particulars and in the manner as prescribed in regulations 9, 10 and 11; and
- (e) unless such onions or shallots are sampled in the manner as prescribed in regulation 12.

(2) The Executive Officer may grant written exemption, entirely or partially, to any person on such conditions as he deems necessary, from the provisions of subregulation (1): Provided that such exemption is done in terms of section 3(1)(c) of the Act.

QUALITY STANDARDS

Classes for onions and shallots

3. There are four classes of onions and shallots, namely Class 1, Class 2, Class 3 and Lowest Class.

Standards for classes

- 4. (a) The classes mentioned in regulation 3 shall comply with the quality standards as set out in Table 1.
- (b) Be fit for human consumption as prescribed in terms of the Foodstuffs, Cosmetics and Disinfectants Act, 1972 (Act No. 54 of 1972).

Deviations

5. The classes mentioned in regulation 3 may deviate (m/m) from the standards prescribed in regulation 4, to the extent as set out in Table 2.

CONTAINERS

Requirements for containers

- 6. Containers in which onions or shallots are packed shall --
 - (a) be intact, clean, suitable and strong enough for the packing and normal handling of onions or shallots;
 - (b) not impart a taste or odour to onions or shallots; and
 - (c) in case of containers that are re-used, be of such materials that the container can be cleaned and disinfected prior to re-use.

Closing of containers

7. Containers shall be closed in any suitable manner.

PACKING REQUIREMENTS

- 8. (1) Onions or shallots shall, in the same consignment, in the case of Class 1, Class 2 and Class 3 correspond in cultivar, class, size group and maturity.
- (2) Each container of a type as prescribed in regulation 6 shall be packed as firmly as possible with onions or shallots without damaging the container or the onions or shallots concerned.

MARKING REQUIREMENTS

9. (1) Each container of onions or shallots destined for sale shall be marked in clear and legible letters and figures in a manner described in subregulation (4) with the following particulars: Provided that all particulars shall be grouped on the same side:

- (a) the name or trademark and physical or postal address of either the producer or owner or importer or packer of the onions or shallots packed in that container;
- (b) the producers' code or packhouse code (with the exception of imported onions or shallots), which is registered with the Executive Officer by the producer or packhouse as the case may be: Provided that --
 - (aa) the packhouse code shall only be used if the origin of the fresh vegetables cannot be traced back to the producer;
 - (bb) if a producer has more than one farm, each farm shall be registered separately;
 - (cc) such code shall be preceded by the expression "Producer:", "Packhouse:", "Packer:" or any other suitable term having a similar meaning; and
 - (dd) the producer has a system in place to enable him/her to track a specific consignment of onions or shallots down to field level.
- (c) The expression "Class 1", "Class 2", "Class 3" and "Lowest Class", as the case may be.
- (d) In the case of Class 1 and Class 2, the size group namely "Extra Large", "Large", "Medium", "Small" or "Pickles" as the case may be.
- (e) The net mass of the contents as prescribed in terms of the Trade Metrology Act, 1973 (Act No. 77 of 1973).
- (f) The name of the type of onions or shallots in the case of containers when the contents of which are not visible from outside.

(2) The particulars prescribed in subregulation (1) shall be indicated on the container by stamping, printing or by affixing a label thereon.

(3) If at any stage the class or size designation should change the labels shall be replaced unless the new class or size designation is stamped across the old class or size designation, in clear legible block letters of at least 2 mm larger than the previous marks, with a suitable stamp.

(4) Each container containing onions or shallots shall be provided with only one or more labels that shall be --

- (a) intact, clean and neat;
- (b) manufactured from manilla paper or other suitable material; and
- (c) affixed firmly to the container and in such a manner that re-stamping is possible without opening or damaging the container.

Display

10. Wherever onions or shallots are displayed for sale in loose quantities --

- (a) any quantity of a particular class, or a particular size group or cultivar shall not be displayed mixed with onions or shallots of any other class, size group or cultivar; and
- (b) adherence to the marking requirements is optional: Provided that if marked, the class, and in the case of Class 1 and Class 2 also the size group of such quantity of onions or shallots, shall be indicated in clear legible block letters of at least 10 mm in height on a notice board prominently placed at such a quantity of onions or shallots.

Prohibited particulars

11. No wording, illustration or other means of expression which constitutes a misrepresentation or which directly or by implication, creates a misleading impression of the contents, or of the quality or the class thereof, shall appear on a container containing onions or shallots or on a label attached thereto.

SAMPLING

12. At least two per cent of the containers in a consignment shall be drawn at random for inspection purposes and an inspector shall be satisfied that the containers so drawn are representative of the consignment concerned.

OFFENCE AND PENALTIES

13. Any person who contravenes or fails to comply with any provision of these regulations shall be guilty of an offence and upon conviction be liable to a fine or imprisonment in terms of section 11 of the Act.