

**GNR.1145 of 8 October 2004: Regulations governing tolerances for fungus-produced toxins in foodstuffs**

<b>Notice</b>	<b>as amended by</b>	<b>Date</b>
R.751	<b>Government Gazette</b> 32409	17 July 2009

DEPARTMENT OF HEALTH

The Minister of Health has, in terms of [section 15 \(1\)](#) of the Foodstuffs, Cosmetics and Disinfectants Act, 1972 (Act [No. 54 of 1972](#)), made the regulations in the Schedule.

**SCHEDULE**

ARRANGEMENT OF REGULATIONS

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**1. Definitions.**—In these regulations “the Act” means the Foodstuffs, Cosmetics and Disinfectants Act, 1972 (Act [No. 54 of 1972](#)), and any expression to which a meaning has been assigned in the Act shall bear such meaning, unless the context indicates otherwise—

“**Ergot sclerotia**” means the sclerotia of the fungus *Claviceps purpurea*.

“**further processing**” means the processing of raw shelled peanuts intended for direct human consumption.

**2. Restrictions.**—For the purposes of section 2 (1) (b) (i) of the Act, in so far as it is applied to and is applicable to foodstuffs, the following foodstuffs are hereby deemed to be contaminated, impure or decayed—

- (a) Peanuts intended for further processing, which contain more than 15µg/kg of aflatoxin (total);
- (b) all foodstuffs, ready for human consumption, which contain more than 10µg/kg of aflatoxin, of which aflatoxin B<sub>1</sub> is more than 5µg/kg;
- (c) milk containing more than 0.055µg/l of aflatoxin M<sub>1</sub>;
- (d) wheat, rye, barley and oats which contain more than 0.05% (m/m) of *Ergot sclerotia*;  
[[Para. \(d\)](#) substituted by GNR.751 of 17 July 2009.]
- (e) apple juices and apple juice ingredients in other beverages containing more than 50µg/l of patulin.

**3. Enforcement.**—The sampling plan for the analysis of total aflatoxins in peanuts intended for further processing to be used for enforcement and control in terms of these regulations shall be in accordance with the provisions laid down by the *Joint Food and Agricultural Organization/World Health Organization (FAO/WHO) Food Standards Programme’s Codex Alimentarius Commission*, i.e. Sampling Plan for Aflatoxins in Peanuts Intended for Further Processing (CODEX STAN 209 of 1999 as revised in 2001).

**4. Repeal.**—The regulations published under Government notice No. R.313 of 16 February 1990 as amended by Government Notices No. R. 614 of 23 March 1990, No. R. 830 of 20 March 1992 and No. R. 1143 of 4 August 1995 are hereby repealed.

(Signed)  
ME TSHABALALA-MSIMANG  
MINISTER OF HEALTH