

SOUTH AFRICA: PROPOSED AMENDMENTS TO LEGISLATION SUBORDINATE TO THE LIQUOR PRODUCTS ACT, 60 OF 1989 (hereinafter referred to as the "LPA") AND THE FOODSTUFFS, COSMETICS AND DISINFECTANTS ACT, 54 OF 1972

Proposed amendments are shown in "track changes" format in the current legislation. To save space only relevant parts of the current legislation are shown.

AMENDMENTS TO REGULATIONS

Published under Government Notice R1433 in *Government Gazette* 12558 of 29 June 1990, as amended.

A Add permissible alternatives for class designations

"TABEL 10 / TABLE 10

**TOELAATBARE ALTERNATIEWE VIR KLASBENAMINGS
PERMISSABLE ALTERNATIVES FOR CLASS DESIGNATIONS**

Klasbenaming Class designation	Toelaatbare alternatief Permissible alternative
1	2
<u>1AA. Skin macerated white/ Dopmasereerde wit</u>	<u>Orange wine/ oranjewyn</u>
<u>1AB. Methode Ancestrale</u>	<u>Petillant natural/natura if the pressure in the bottle in which it is to be sold is equal to or less than 300 kPa.</u>
<u>13D. Potketelbrandewyn/ Pot still brandy</u>	<u>Cape brandy".</u>

B Make it clear that Cannabis may not be used in the production of liquor products

Under the LPA no substance may be added to a liquor product unless prescribed. Cannabis products are not prescribed. Neither are they regarded as flavourings, but some argue to the contrary. For the avoidance of doubt, it is proposed to explicitly state that flavourings do not include Cannabis products.

"TABLE 6

SUBSTANCES WHICH MAY BE ADDED TO LIQUOR PRODUCTS

Name of substance	Liquor products to which substance may be added	Manner and conditions of addition
1	2	3
Flavourings of plant origin or extracts thereof, <u>excluding flavourings, extracts or anything derived from plants of the genus Cannabis.</u>	husk spirit, premium husk spirit, pot still brandy, brandy, vintage brandy; gin; vodka; grape-based liquor (excluding grape liquor); spirit-based liquor; alcoholic fruit beverage	The addition of this substance to - (a) flavoured grape liquor or an alcoholic fruit beverage shall not increase the alcohol content of the product by more than 0.6 percent; and (b) vermouth or cocktail shall not increase the alcohol content of the product by more than 1.2 per cent.
Flavourings that are nature-identical, <u>excluding nature-identical flavourings, extracts or anything derived from plants of the genus Cannabis.</u>	alcoholic fruit beverage; grape-based liquor (excluding grape liquor); spirit-based liquor; vodka	The addition of this substance to - (a) flavoured grape liquor or an alcoholic fruit beverage shall not increase the alcohol content of the product by more than 0.6 percent; and (b) vermouth or cocktail shall not increase the alcohol content of the product by more than 1.2 per cent."

C To enhance legal certainty incorporate into the regulations the current, long-standing rules regarding claims around gluten, sulphites, lower in alcohol, light, lite and kilojoules.

"39. Prohibited practices and exemptions in connection with certain indications

(1) No person shall -

- (d) in connection with the sale of wine indicate that such wine is free of sulphites, unless -
 - (i) that wine does not contain any discernible sulphites; or
 - (ii) if that wine contains sulphites in a concentration of less than 10 milligram per litre (measured by aspiration with titration as total sulphur dioxide), such indication of being sulphites free is used in direct conjunction with wording to the effect that the wine contains less than 10 milligram per litre of sulphites.
- (e) in connection with the sale of wine indicate that such wine has no added sulphites or is low or lower in sulphites, unless that wine contains sulphites in a concentration of less than 10 milligram per litre, measured by aspiration with titration as total sulphur dioxide.
- (f) in connection with the sale of wine indicate that such wine is free of gluten unless such indication is in the form of "naturally gluten free".
- (g) in connection with the sale of wine indicate that such wine is lower in alcohol, light, lite or the like, unless that wine has an actual alcohol content of no more than 10 per cent.
- (h) in connection with the sale of wine indicate that such wine is low in kilojoules, lower in kilojoules or the like, unless that wine has a total (potential plus actual) alcohol content of no more than 10 per cent."

D "Ammonium sulphite" spelling in Table 6 should be "Ammonium sulphide". Provide for the addition of water to wine under certain conditions.

Proposed that, in line with international standards, it now be specifically stated that water may be added to wine on account of a specific technical necessity (e.g. dissolve additives, rehydrate yeast or facilitate fermentation). If used to facilitate fermentation, it may not dilute the must below 22 degrees Balling.

"TABLE 6

SUBSTANCES WHICH MAY BE ADDED TO LIQUOR PRODUCTS

Name of substance	Liquor products to which substance may be added	Manner and conditions of addition
1	2	3
Ammonium sulphite sulphide	wine	
Water	wine; spirits; grape-based liquor; spirit-based liquor; alcoholic fruit beverage.	<u>In the case of wine this substance shall only be added where required on account of a specific technical necessity: Provided that if added to facilitate fermentation, it may not dilute the must below 22 degrees Balling."</u>

E Provide for flavoured vodka under certain conditions

It is put forward that flavourings be allowed to be added to vodka. If so, the word "vodka" must always be used in conjunction with the name of the flavouring and the word "flavoured", e.g. "vanilla flavoured vodka".

"TABLE 6

SUBSTANCES WHICH MAY BE ADDED TO LIQUOR PRODUCTS

Name of substance	Liquor products to which substance may be added	Manner and conditions of addition
1	2	3
Flavourings of plant origin or extracts thereof, excluding flavourings, extracts or anything derived from plants of the genus <i>Cannabis</i> .	husk spirit, premium husk spirit, pot still brandy, brandy, vintage brandy; gin; <u>vodka</u> ; grape-based liquor (excluding grape liquor); spirit-based liquor; alcoholic fruit beverage	The addition of this substance to - (a) flavoured grape liquor or an alcoholic fruit beverage shall not increase the alcohol content of the product by more than 0.6 percent; and (b) vermouth or cocktail shall not increase the alcohol content of the product by more than 1.2 per cent.
Flavourings that are nature-identical, excluding nature-identical flavourings, extracts or anything derived from plants of the genus <i>Cannabis</i> .	alcoholic fruit beverage; grape-based liquor (excluding grape liquor); spirit-based liquor; <u>vodka</u>	The addition of this substance to - (a) flavoured grape liquor or an alcoholic fruit beverage shall not increase the alcohol content of the product by more than 0.6 percent; and (b) vermouth or cocktail shall not increase the alcohol content of the product by more than 1.2 per cent."

"35. Indication of class designation

- (2) (cA) If vodka is flavoured, the designation of the flavouring concerned shall, wherever the word "vodka" is to be used, be indicated on a label immediately preceding the words "flavoured vodka".

F Remove the nonsensical "if it is not foreign to wine" regarding the addition of tannin to liquor products

"TABLE 6

SUBSTANCES WHICH MAY BE ADDED TO LIQUOR PRODUCTS

Name of substance	Liquor products to which substance may be added	Manner and conditions of addition
1	2	3
Tannin if it is not foreign to wine	wine; spirits (excluding grape spirit, cane spirit, mampoer, vodka, unspecified spirit and mixed spirit); alcoholic fruit beverage; grape-based liquor".	

G Provide for spirit-barrel-aged wine and the labelling thereof

"TABLE 2

CLASSES FOR WINE AND SPECIFIC REQUIREMENTS FOR CLASSES

Class	Specific requirements
1	2
<u>8g. Spirit-barrel-aged wine</u>	<u>The product shall be matured for at least 3 months in a barrel previously used to age a spirit.</u>

"33. Compulsory particulars on labels

- (2) (a) The indication of an applicable class designation can, in the case of wine, be omitted from the label, unless that wine-
- (i) is a skin macerated white, an extended barrel aged white/gris, a natural pale/non-fortified pale, a method ancestrale, an alternative red/white, a perlé wine, a sparkling wine, ~~or~~ a sun wine, a low alcohol wine or a spirit-barrel-aged wine; or".

"35. Indication of class designation

- (1) Subject to the provisions of subregulation (2), the class designation of a liquor product as indicated on a label shall -
- (a) in the case of wine of a class specified in column 1 of Table 2, be the applicable designation specified in that column: Provided that -
- (iii) in the case of a spirit-barrel-aged wine, the word "spirit" in the class designation shall be replaced by the name of the spirit concerned.

H To preserve a South African tradition, establish mampoer as a class of spirit with strict limitations as to allowed additives

"9. Designated raw materials and classes for spirits

- (1) The raw materials and classes for spirits shall be as follows:

Raw material	Class of spirit
1	2
1. The fermented product of the vine	Grape spirit; Husk spirit; Premium husk spirit; Pot still brandy; Brandy; Vintage brandy
2. The fermented mash of grain or malt	Whisky; Malt whisky; Blended whisky
3. Fermented sugar cane juice, sugar cane syrup or sugar cane molasses	Cane spirit; Rum
4. Any fermented harmless vegetable article	Gin; Vodka; Unspecified spirit; Mixed spirit
<u>5. Fermented fruit other than the product of the vine</u>	<u>Mampoer</u> ".

"20. Requirements for mampoer

Mampoer shall -

- (a) be distilled from the fermented juice of any fruit other than the product of the vine, which is distilled in a pot still to an alcohol content of not more than 75 per cent;
- (b) have an alcohol content of at least 50 per cent.".

"TABLE 6

SUBSTANCES WHICH MAY BE ADDED TO LIQUOR PRODUCTS

Name of substance	Liquor products to which substance may be added	Manner and conditions of addition
1	2	3
Bentonite	All types and classes <u>(excluding mampoer)</u>	
Caramel (I - plain; II - caustic sulphite process; III - ammonia process; IV - ammonia sulphite process)	wine (excluding special late harvest wine and noble late harvest wine); alcoholic fruit beverage; spirits (excluding grape spirit, <u>mampoer</u> , cane spirit, gin, vodka, unspecified spirit and mixed spirit); grape-based liquor; spirit-based liquor	<p>1. When using Caramel III or IV, the final product shall not contain more than:</p> <p>a) 1000mg/l in the case of an alcoholic fruit beverage; and</p> <p>b) 50000mg/l in the case of a grape-based liquor, spirit-based liquor and spirits.</p> <p>2. In the case of wine this substance may only be used if:</p> <p>a) it has not been manufactured by the ammonia process and</p> <p>b) it does not contain more than 200mg/kg of 4-methyl imidazole.</p>
Carbon dioxide	wine (excluding noble late harvest wine); alcoholic fruit beverage; grape-based liquor; spirit-based liquor; spirits <u>(excluding mampoer)</u>	
Charcoal	wine (excluding special late harvest wine and noble late harvest wine); alcoholic fruit beverage; spirits (excluding premium husk spirit, <u>mampoer</u> , pot still brandy and vintage brandy); grape-based liquor; spirit-based liquor	
Filtering aids of inert material	All types and classes <u>(excluding mampoer)</u> .	No undesired residue shall be left behind in the treated product.
Gelatine	All types and classes <u>(excluding mampoer)</u> .	
Potassium ferrocyanide	wine; alcoholic fruit beverage; grape-based liquor; spirits <u>(excluding mampoer)</u> .	In accordance with the provisions of regulation 31 (4).

Name of substance	Liquor products to which substance may be added	Manner and conditions of addition
1	2	3
Sugar of plant origin	sparkling wines which undergo a second alcoholic fermentation; alcoholic fruit beverage (excluding fortified apple and pear beverages); spirits <u>(excluding mampoer)</u> ; grape-based liquor (excluding grape liquor and flavoured grape liquor); spirit-based liquor	The substance shall - a) in the case of sparkling wines, only be added for the initiation of the second alcoholic fermentation and to sweeten the final product; b) in the case of an alcoholic fruit beverage - (i) be added before alcoholic fermentation only to such an extent that not more than 20 per cent of the fermentable sugars are derived therefrom; (ii) otherwise, only be added after completion or termination of alcoholic fermentation to sweeten the final product and to a maximum of 100g/l, calculated as reducing sugar; c) in the case of husk spirit, premium husk spirit, pot still brandy, brandy and vintage brandy, only be added to such an extent that the sugar content of the final product, calculated as reducing sugar, does not exceed 15g/l; d) in the case of other spirits (excluding gin), only be added to such an extent that the sugar content of the final product, calculated as reducing sugar, does not exceed 1g/l; and e) in the case of a grape-based liquor or a spirit-based liquor, only be added to sweeten the final product.
Tannin if it is not foreign to wine	wine; spirits (excluding grape spirit, cane spirit, <u>mampoer</u> , vodka, unspecified spirit and mixed spirit); alcoholic fruit beverage; grape-based liquor	
Wood	wine; spirits (excluding grape spirit, cane spirit, <u>mampoer</u> , vodka, unspecified spirit and mixed spirit); spirit-based liquor; alcoholic apple and pear beverage; grape-based liquor".	

I Lower the maximum allowed level of lead in wine and amend the amount of potassium polyaspartate, which may be added to wine.

**"TABLE 8
RESTRICTED SUBSTANCES IN LIQUOR PRODUCTS**

Name of substance	Maximum extent to which substance may be contained (mg/l)
1	2
Lead	0,3, but 0,25 in the case of wine produced after 31 December 1994, and 0,2 in the case of wine produced after 31 December 1997, <u>0,1 for natural wine produced after 31 December 2019 and 0,15 for fortified wine produced after 31 December 2019.</u> ".

"TABLE 6

SUBSTANCES WHICH MAY BE ADDED TO LIQUOR PRODUCTS

Name of substance	Liquor products to which substance may be added	Manner and conditions of addition
1	2	3
Potassium polyaspartate	wine	Not more than 40 <u>20</u> g/hl of this substance may be added to wine."

J Add "counoise" to the cultivar table and correct the spelling and synonyms of certain cultivar names

"TABLE 1/TABEL 1

**GRAPE CULTIVARS WHICH MAY BE USED FOR THE PRODUCTION OF WINE
DRUFCULTIVARS WAT VIR DIE PRODUKSIE VAN WYN GEBRUIK MAG WORD**

Alicante Bouschet (Henri Bouschet)	Grasa de Cotnari	Pinotage
Alvarinho (Albarino <u>Albariño</u>)	Grenache (Rooi/Red Grenache; Grenache noir)	Pinot blanc (Weissburgunder)
Auxerrois	Grenache blanc (Wit/White Grenache)	Pinot gris (Pinot grigio)
Barbarossa	Grenache gris	Pinot noir
Barbera	Grüner Veltliner	Pontak (Pontac ; Teinturier male)
Barlinka	Harslevelü	Raisin blanc (Gros Vert)
Bastardo do Castelo	Irsai Olivier (Irsay Oliver)	Riesling** (Weisser Riesling; Ryn Riesling; Rhine Riesling)
Bastardo do Menudo	Kanaän (Belies; Canaän)	Roobernet
Bourboulenc	Kerner	Roussanne
Bukettraube	Kristal	Ruby Cabernet
Cabernet Frane <u>franc</u>	Malbec	Sangiovese
Cabernet Sauvignon	Marsanne	Sauvignon blanc (Blanc Fumé; Fumé blanc)
Carignan	Merbein Seedless	Schönburger
Carmenere <u>Carmenère</u>	Merlot	Sémillon (Groendruif)
Ceresa	Meunier (Pinot Meunier)	Shiraz (Syrah)
Chardonnay	Morio Muscat (Muscat; Moscato)	Souzào
Chenel	Mourisco tinto	Sultana (Sultanina; Thompson's Seedless)
Chenin blanc (Steen)	Mourvèdre (Mataro; Monastrell; Monastrel)	Sylvaner
Cinsaut	Müller-Thurgau	Tannat
Cinsaut blanc	Muscat d'Alexandrie (Hanepoot; Muscat; Moscato)	Tempranillo (Tinta Roriz)
Cinsaut gris	Muscat de Frontignan (Muskadel; Muscadel; Muscat; Muscat blanc; White Muscadel; Wit Muscadel; Muscat rouge; Red Muscadel; Rooi)	Therona
Clairette blanche		Tinta Amarella (Tinta Amarela; Trincadeira; Trincadeira Preta)
Colombar (Colombard)		Tinta Barocca
Colomino		Tinta Francisca
Cornifesto		Touriga Franca
<u>Counoise</u>		
Crouchen (Riesling*; Cape Riesling; Kaapse Riesling)		
Donzellinho do Castelo		
Donzellinho do Gallego		
Durif (Petite Sirah; <u>Petite Syrah</u>)		
Emerald Riesling		
Erlihane		
Ferdinand de Lesseps		

Fernão Pires	Olasz	Viognier
Furmint	Palomino (Fransdruif; White French;	Viura
Gamay noir	Malvasia Rei; Listán blanc;	Weldra
	Listón	
Gewürztraminer	Blanco)	Zanthe Korinthe
Grachen	Pedro (Valse)	Zinfandel (Primitivo)
Graciano	Petit Verdot (Verdot)	

*This name (Riesling) may only be used for wine produced from the Crouchen grape cultivar until, and inclusive of, the 2009 grape harvest.

**This name (Riesling), may only be used for wine produced from the Weisser Riesling/ Rhine Riesling grape cultivar as from the 2010 grape harvest.

*****Note for information purposes only:** The name “Muscat de Frontignan” is a protected geographical indication in the territory of the European Union and may not be used on South African wine exported to that territory.”.

K Remove any doubt that distillation in a pot still for pot still brandy entails discontinuous distillation in batches.

"12. Requirements for pot still brandy [7 (1) (b); 27 (1) (a) and (d)]

Pot still brandy bottled after 31 December 2013 shall –

- (a) be distilled from the fermented juice of the product of the vine which is, under excise supervision, discontinuously distilled ~~in batches under excise supervision in using~~ a pot still and distilled to an alcohol content of not more than 75 per cent;".

AMENDMENTS TO WINE OF ORIGIN SCHEMEPublished under Government Notice R1434 in *Government Gazette* 12558 of 29 June 1990, as amended.**A Correct the spelling and synonyms of certain names in the cultivar tables and add "counoise" to Table 1.****"TABLE 1****VINE CULTIVARS TO WHICH SCHEME APPLIES**

Alicante Bouschet (Henri Bouschet)	Müller-Thurgau
Alvarinho (Albarino Albariño)	Muscat d' Alexandrie (Hanepoot; Muscat; Moscato)
Auxerrois	Muscat de Frontignan (Muskadel; Muscadel; Muscat; Muscat blanc; White Muscadel; Wit Muskadel; Muscat Rouge; Red Muscadel; Rooi Muskadel; Moscato)***
Barbarossa	Muscat de Hambourg (Muscat; Moscato)
Barbera	Muscat Ottonel (Muscat; Moscato)
Bastardo do Castelo	Nebbiolo
Bastardo do Menudo	Nero D'Avola 'Avola
Bukettraube	Nouvelle
Cabernet Frane franc	Olasz
Cabernet Sauvignon	Palomino (White French; Fransdruif; Malvasia Rei; Listán blanc; Listón blanco)
Carignan	Petit Verdot (Verdot)
Carmenere Carmenère:	Pinotage
Chardonnay	Pinot blanc (Weissburgunder)
Chenel	Pinot gris (Pinot grigio)
Chenin blanc (Steen)	Pinot noir
Cinsaut (Cinsault)	Pontak (Pontac ; Teinturier male)
Cinsaut blanc	Riesling** (Weisser Riesling; Ryn Riesling; Rhine Riesling)
Clairette blanche	Roobernet
Colombar (Colombard)	Roussanne
Cornifesto	Ruby Cabernet
<u>Counoise</u>	Sangiovese
Crouchen (Riesling*; Cape Riesling; Kaapse Riesling)	Sauvignon blanc (Blanc Fumé; Fumé blanc)
Donzellinho do Castelo	Schönburger
Donzellinho do Gallego	Sémillon (Groendruif)
Durif (Petite Sirah; Petite Syrah)	Shiraz (Syrah)
Emerald Riesling	Souzão
Erlihane	Sultana (Sultanina; Thompson's Seedless)
Fernão Pires	Sylvaner
Furmint	Tannat
Gamay noir	Tempranillo (Tinta Roriz)
Gewürztraminer	Therona
Grachen	Tinta Amarella (Tinta Amarela; Trincadeira; Trincadeira Preta)
Graciano	Tinta Barocca
Grasa de Cotnari	Tinta Francisca
Grenache (Rooi/Red Grenache; Grenache noir)	Touriga Franca
Grenache blanc (White/Wit Grenache)	Touriga Nacional.
Grenache Gris	Ugni blanc (Trebiano)
Grüner Veltliner	Verdelho
Harslevelü	Vermentino
Irsai Oliver (Irsay Oliver)	Viognier
Kerner	Viura
Kristal	Weisser Riesling (Rhine Riesling; Ryn Riesling)
Malbec	Zinfandel (Primitivo)".
Marsanne	
Merlot	
Meunier (Pinot Meunier)	
Morio Muscat (Muscat; Moscato)	
Mourisco tinto	
Mourvèdre (Mataro; Monastrell; Monastrel)	

"TABLE 2 / TABEL 2

**GRAPE CULTIVARS WHICH MAY BE USED FOR THE PRODUCTION OF BLANC DE NOIR WINE /
DRUIFCULTIVARS WAT VIR DIE PRODUKSIE VAN BLANC DE NOIR-WYN GEBRUIK
MAG WORD**

Barbera	Muscat de Frontignan (Muscadel/Muskadel;
Bastardo do Castello	Muscat; Moscato)
Bastardo do Menudo	Muscat de Hambourg (Muscat; Moscato)
Carbnet France franc	Nebbiolo
Carbnet Sauvignon	Petit Verdot (Verdot)
Carignan	Pinotage
Carmenere Carmenère	Pinot gris (Pinot grigio)
Cinsaut (Cinsault)	Pinot noir
Cornifesto	Ruby Cabernet
Donzellinho do Castello	Sangiovese
Donzellinho do Gallego	Shiraz (Syrah)
Durif (Petite Sirah; Petite Syrah)	Souzào
Gamay noir	Tannat
Grenache (Red/Rooi Grenache)	Tempranillo (Tinta Roriz)
Grenache Gris gris	Tinta Barocca
Malbec	Tinta Francisca
Mourisco tinto	Touriga Franca
Merlot	Touriga Nacional
Meunier (Pinot Meunier)	Zinfandel (Primitivo)".
Mourvèdre (Mataro; Monastrell; Monastrel)	

B Expand the objects of the scheme to refer specifically to single vineyard wine.

3. Objects of Scheme

The objects of this Scheme are-

- (a) to serve as a basis for the development of the distinctiveness and quality of wines, and additionally, in the case of single vineyard wine, to express the distinctive characteristics of a small specific site as determined by soil, cultivar, rootstock, clone, meso-climate, exposure and viticultural and winemaking purposes.
- (b) to confirm the correctness of certain indications in connection with the origin of wine; and
- (c) to create confidence in such indications.

C Allow the use of "estate" as part of the full name and address of a registered estate, whether the wine is estate wine or not.

"23. Requirements relating to labels

- (4) A word, expression, illustration or depiction referred to in subsection (3)(c) shall comply with the following requirements:
 - (i) It may, in the case of a wine produced in a cellar on a unit registered for the production of estate wine, use the word "estate" or "landgoed" if, in the opinion of the board, it is clearly only used as part of the email, ~~or~~ web address or name and address in terms of Regulation 38 of the Act of that unit registered for the production of estate wine."

PROVIDING FOR ALCOHOL FREE, DE-ALCOHOLISED AND LOW ALCOHOL WINE

A Amending the Regulations of the Foodstuffs, Cosmetics and Disinfectants Act, 54 of 1974, as published under Government Notice R146 in Government Gazette 32975 of 1 March 2010, as amended.

Alcoholic beverages with an alcohol content less than or equal to 0.5 % are regulated by the Department of Health under the Foodstuffs, Cosmetics and Disinfectants Act of 1974. However, since class designations for alcoholic beverages regulated under the LPA will be used for these low or no alcohol beverages, the two sets of subordinate legislation need to be synchronised to prevent the consumer from being misled. Proposed that the relevant Regulations under the Foodstuffs, Cosmetics and Disinfectants Act, 54 of 1974, be amended to include:

DE-ALCOHOLISED ALCOHOLIC BEVERAGES ≤ 0.5 % ALCOHOL

DEFINITIONS

"**Liquor Products Act**" means the Liquor Products Act, 1989 (Act No. 60 of 1989) and includes the regulations made thereunder;

PROHIBITION

Unless authorised by these regulations, no de-alcoholised or diluted alcoholic beverage with an ethyl alcohol content less than or equal to 0.5 per cent per volume, shall use a class designation as defined in section 1 of the Liquor Products Act.

PRODUCT SPECIFICATIONS

Alcohol free wine

1. Alcohol free wine -
 - (a) shall be wine as defined in section 1 of the Liquor Products Act, which has been de-alcoholised in accordance with the provisions of that act;
 - (b) shall have an ethyl alcohol content of less than 0.05 per cent per volume; and
 - (c) may have added glycerol after de-alcoholisation.

De-alcoholised wine

1. De-alcoholised wine -
 - (a) shall be wine as defined in section 1 of the Liquor Products Act, which has been de-alcoholised in accordance with the provisions of that act; and
 - (b) shall have an ethyl alcohol content of less than or equal to 0.5 per cent per volume.

LABELLING REQUIREMENTS

Notwithstanding the provisions of these regulations, alcohol free wine and de-alcoholised wine shall be labelled *mutatis mutandis* according to the provisions of Part 2 of the regulations made under the Liquor Products Act: For the purposes of these provisions -

- (a) the compulsory class designation for alcohol free wine shall be "alcohol free wine";

- (b) the compulsory class designation for de-alcoholised wine shall be "de-alcoholised wine" or "alcohol removed wine" or "non-alcoholic wine" used in direct conjunction with the expression "contains less than 0.5 % alcohol by volume" or "contains no more than 0.5 % alcohol by volume": Provided that if the phrase "de-alcoholised", "alcohol removed" or "non-alcoholic" is used on a label usually facing the consumer in a retail outlet, the expression "contains less than 0.5 % alcohol by volume" or "contains no more than 0.5 % alcohol by volume" shall also be used in direct conjunction with such phrase; and
- (c) the alcohol content need not be indicated.

B Regulations of the Liquor Products Act

Alcoholic beverages with an alcohol content above 0.5 % are regulated under the LPA. It is proposed to establish a "low alcohol wine" in the regulations. To ensure parity between the different classes of liquor products, the minimum alcohol content of grape liquor and spirit cooler are decreased accordingly.

"1. Definitions

"**natural wine**" means wine of which the alcohol content is ~~at least 4,5~~more than 0.5 per cent but less than 16,5 per cent;

"**scheme**" means the Wine of Origin Scheme, published by Government Notice No. R. 1434 of 29 June 1990:".

"TABLE 2

CLASSES FOR WINE AND SPECIFIC REQUIREMENTS FOR CLASSES

Class	Specific requirements
1	2
<u>8f. Low alcohol wine</u>	<ol style="list-style-type: none"> 1. <u>The alcohol content of the product shall be more than 0.5 per cent, but shall not exceed 4.5 per cent.</u> 2. <u>The product shall not also be one of the classes in this table, which has to be certified.</u> 3. <u>The product may lay claim to cultivar or vintage year if, before the removal of any alcohol, it was provisionally approved in terms of section 25 the scheme: Provided that such product need not be sensorially evaluated in terms of the scheme and shall not carry a seal or mark referred to in section 26 of the scheme."</u>

"33. Compulsory particulars on labels

- (2) (a) The indication of an applicable class designation can, in the case of wine, be omitted from the label, unless that wine-
 - (i) is a skin macerated white, an extended barrel aged white/gris, a natural pale/non-fortified pale, a method ancestrale, an alternative red/white, a perlé wine, a sparkling wine, ~~or~~ a sun wine, a low alcohol wine or a spirit-barrel-aged wine; or".

"TABLE 4

CLASSES OF AND REQUIREMENTS FOR GRAPE-BASED LIQUORS

Class	Manner of production	Alcohol content	
		Minimum %	Maximum %
1	2	3	
4. Grape liquor	The product shall consist of wine of which the alcohol content has been reduced.	<u>2,5 more than 0,5</u>	6,5".

"TABLE 5

CLASSES OF AND REQUIREMENTS FOR SPIRIT-BASED LIQUORS

Class	Manner of production and requirements	Alcohol content	
		Minimum %	Maximum %
1	2	3	
4. Spirit cooler	The product shall be produced by adding a soft drink, fruit juice or water to a spirit.	<u>2,5 more than 0,5</u>	15,0".

C Amending Government Notice to bring these classes within the purview of the Wine of Origin Scheme

At present wine may, as determined in the LPA, only claim origin, variety and/or vintage year if certified under the Wine of Origin scheme. Low alcohol wine, alcohol free wine and de-alcoholised wine do not fall under this LPA determination. As the proposal is that these products will be able to claim variety and/or vintage year (but not origin), to be able to verify such claims, they are brought in under the Wine of Origin scheme by way of the proposed amendment below of Government Notice R1432 of 29 June 1990, as amended.

"2. Reservation with regard to certain words and expressions for wine

Unless authorised thereto in terms of the Act or a scheme, no person shall in connection with the sale of wine or a product containing wine, whether de-alcoholised or not, use ~~the~~—

(c) in respect of an "alcohol free wine", "alkoholvrye wyn", "de-alcoholised wine", "dealkoholiseerde wyn", "low alcohol wine" or "lae alkohol wyn", the name of a grape variety, the origin of the grapes used for the wine or any indication of vintage year.

C Wine of Origin scheme

Proposed amendments to make provision for the verification of claims of variety and/or vintage year for these newly minted proposed products, to make clear that such products may not lay claim to origin or carry a certification seal and to further regulate the labelling of said products.

1. Definitions

"alcohol free wine" means wine, before removal of any alcohol:

- (a) destined to be alcohol free wine in terms of regulations made under the Foodstuffs, Cosmetics and Disinfectants Act, 54 of 1972;
- (b) produced with a view to the certification thereof as wine complying with the requirements set out in section 14U of this Scheme;

"de-alcoholised wine" means wine, before removal of any alcohol:

- (a) destined to be de-alcoholised wine in terms of regulations made under the Foodstuffs, Cosmetics and Disinfectants Act, 54 of 1972;
- (b) produced with a view to the certification thereof as wine complying with the requirements set out in section 14V of this Scheme;

"low alcohol wine" means wine, before removal of any alcohol:

- (a) destined to be low alcohol wine in terms of the regulations made under the Act;
- (b) produced with a view to the certification thereof as wine complying with the requirements set out in section 14W of this Scheme;

5. Authority for the indication of certain particulars

- (1) Subject to the provisions of the Act and of subsection (2), the following particulars may only after certification be used in connection with the sale of wine:
 - (a) The name of an area of production.
 - (b) The designation of a vine cultivar specified in Table 1.
 - (c) Particulars indicating that wine was produced from grapes harvested in a particular year.
 - (d) The words "estate", "landgoed", "origin", "oorsprong", "vintage", "oesjaar", "criadera" and "solera".
 - (e) The class designations of the classes of wines that are known as special late harvest wine, noble late harvest wine, blanc de noir wine, wine from naturally dried grapes, skin macerated white, extended barrel aged white/gris, natural pale/non-fortified pale, methode ancestrale, alternative white/rosé/red, sun wine, alcohol free wine, de-alcoholised wine, low alcohol wine, Cape white, Cape ruby, Cape tawny, Cape dated tawny, Cape late bottled vintage, Cape vintage, fino, amontillado, oloroso, pale dry, pale cream, medium cream and full cream.
 - (f) The expressions "single vineyard wine" and "enkelwingerdwyn".
- (2) ~~(a)~~
 - (a) The particulars referred to in paragraphs (a) and (f) of subsection (1), the words other than "vintage" referred to in paragraph (d) of subsection (1) and the class designations other than "alcohol free wine", "de-alcoholised wine" and "low alcohol wine" referred to in paragraph (e) of subsection (1), shall not be used in connection with the sale of alcohol free wine, de-alcoholised wine and low alcohol wine.

7. Conditions for certification

- (1) Subject to the provisions of subsection (2), wine may be certified if -
 - (a) the grapes from which it has been produced, was pressed by virtue of an authority;
 - (aA) all tanks, casks and other receptacles used in the production and storage of the wine concerned, were, to the satisfaction of the board, gauged and marked to indicate the capacity thereof;
[Subpara. (aA) inserted by GN R835/2005]
 - (b) the applicable notices were furnished, permissions were obtained, particulars were recorded and conditions required by or under this Scheme were complied with;

- (c) the containers of that wine comply with the requirements set out in section 21 of this Scheme;
- (d) the labels of such containers have been approved in terms of section 23(1) of this Scheme;
- (e) the wine concerned complies with the applicable requirements set out in sections 8, 9, 10, 11, 12, 13, 14, 14A, 14B, 14C, 14D, 14E, 14F, 14G, 14H, 14I, 14J, 14K, 14L, 14M, 14N, 14O, 14P, 14Q, 14R, 14S, 14T, 14U, 14V or 14W of this Scheme, and has been provisionally approved in terms of section 25 of this Scheme;
[Para. (e) substituted by GN R546/93, GN R834/98 and GN R835/2005]
- (f) a seal has been affixed to or a mark has been placed on each container of that wine in accordance with the provisions of section 26 of this Scheme;
- (g) that wine has been finally approved in terms of section 27 of this Scheme; and
- (h) all the other applicable requirements of this Scheme or determined thereunder have been complied with in connection with the wine concerned.

(2) The provisions of -

(a) subsection (1)(c), (d) and (f) shall not apply to wine intended for export in bulk; and

(b) subsection (1)(f) and (g) shall not apply to alcohol free wine, de-alcoholised wine and low alcohol wine.

10. Requirements for cultivar wines

(1) A cultivar wine of a particular vine cultivar shall-

- (a) subject to the provisions of subsection (2), be produced in such a manner that –
 - (i) until 31 December 2005, at least 75 per cent of the contents thereof consist of wine produced from grapes of the vine cultivar concerned: Provided that where grapes of different vine cultivars are combined before, during, or directly after crushing, at least 80 per cent of the mass of those grapes shall consist of grapes of the vine cultivar concerned;
 - (ii) from 1 January 2006, at least 85 per cent of the contents thereof consist of wine produced from grapes of the vine cultivar concerned: Provided that where grapes of different vine cultivars are combined before, during, or directly after crushing, at least 90 per cent of the mass of those grapes shall consist of grapes of the vine cultivar concerned;
- (b) except if it is also an alcohol free wine, a de-alcoholised wine or a low alcohol wine, also be a wine of origin;
- (c) except if it is also a noble late harvest wine, an alcohol free wine, a de-alcoholised wine or a low alcohol wine, possess the character that is distinctive of wine produced from grapes of the vine cultivar concerned;
- (d) comply with the applicable requirements set out in the Act for wine or wine of a particular class; and
- (e) except if it is also an alcohol free wine, a de-alcoholised wine or a low alcohol wine, not reveal any unacceptable quality characteristics.

11. Requirements for vintage wines

(1) A vintage wine of a particular year shall -

- (a) subject to the provisions of subsection (2), be produced in such a manner that –
 - (i) until 31 December 2005, at least 75 per cent of the contents thereof consist of wine produced from grapes harvested during the year concerned;

- (ii) from 1 January 2006, at least 85 per cent of the contents thereof consist of wine produced from grapes harvested during the year concerned;
- (b) subject to the provisions of subsection (3) and except if it is also an alcohol free wine, a de-alcoholised wine or a low alcohol wine., also be a wine of origin;
- (c) comply with the applicable requirements set out in the Act for wine or wine of a particular class; and
- (d) except if it is also an alcohol free wine, a de-alcoholised wine or a low alcohol wine. not reveal any unacceptable quality characteristics.

14U. Requirements for alcohol free wine

An alcohol free wine shall -

- (a) not be a wine of origin; and
- (b) comply with the requirements for an alcohol free wine set out in regulations made under the Foodstuffs, Cosmetics and Disinfectants Act, 54 of 1972.

14V. Requirements for de-alcoholised wine

A de-alcoholised wine shall -

- (a) not be a wine of origin; and
- (b) comply with the requirements for a de-alcoholised wine set out in regulations made under the Foodstuffs, Cosmetics and Disinfectants Act, 54 of 1972.

14W. Requirements for low alcohol wine

A low alcohol wine shall -

- (a) not be a wine of origin; and
- (b) comply with the requirements for a de-alcoholised wine as set out in the regulations made under the Act.

24. Indications on labels

(5W) The class designation shall be indicated on the labels of the containers of a low alcohol wine:

(5X) The particulars set out in regulations made under the Foodstuffs, Cosmetics and Disinfectants Act, 54 of 1972 shall be indicated on the labels of the containers of the final product of an alcohol free wine.

(5Y) The particulars set out in regulations made under the Foodstuffs, Cosmetics and Disinfectants Act, 54 of 1972 shall be indicated on the labels of the containers of the final product of a de-alcoholised wine.

25. Provisional approval of wine

- (3) (a) An application referred to in subsection (1) shall be approved by the board only if it is satisfied that -
 - (i) the production sheet, stock sheet or blending and bottling sheet and the wine record kept in respect of the wine concerned, as well as any other particulars at the disposal of the board, indicate that the provisions of this Scheme and any condition determined thereunder have been complied with in connection with that wine; and
 - (ii) the wine concerned complies with the applicable requirements set out in the regulations made under the Act, and, for a wine other than an alcohol free wine, a de-alcoholised wine or a low alcohol wine. does not reveal any unacceptable quality characteristics.

- (b) A determination in terms of paragraph (a)(ii) shall be done on the basis of the analysis, and, for a wine other than an alcohol free wine, a de-alcoholised wine or a low alcohol wine, sensorial judgement of a sample of the wine concerned.

26. Seals and marks

- (1) The person in charge of wine in respect of which a provisional approval has been granted in terms of section 25 of this Scheme shall -
- (a) except in the case of an alcohol free wine, a de-alcoholised wine or a low alcohol wine, affix a seal referred to in subsection (2) to each container in which the wine concerned has been bottled, or place a mark referred to in subsection (3) on each such container; and