

DEPARTMENT OF AGRICULTURE, FORESTRY AND FISHERIES

NO. 491

18 MAY 2018

AGRICULTURAL PRODUCT STANDARDS ACT No.119 OF 1990

REGULATIONS RELATING TO THE GRADING, PACKING AND MARKING OF GARLIC INTENDED FOR SALE IN THE REPUBLIC OF SOUTH AFRICA

The Minister of Agriculture, Forestry and Fisheries has, in terms of section 15 of the Agricultural Product Standards Act No.119 of 1990 --

- (a) made the regulations in the Schedule;
- (b) repealed the Regulations published by Government Notice No. R. 246 of 21 February 2003; and
- (c) determined that the said regulations shall come into operations on the date of publication.

SCHEDULE

Definitions

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

"abnormal external moisture" means an amount of moisture on the garlic that may detrimentally affect the quality thereof, excluding condensation following the release from cool storage or a refrigerated vehicle and traces of water when crushed ice is used;

"address" means a physical address and includes the street or road number and name, the name of the town, village, suburb and in the case of a farm, the name or number of the farm and of the magisterial district in which it is situated;

"blemish" means any mark on the outer wall of the garlic which adversely affects the appearance thereof;

"class" with regard to the quality of garlic, means a class as referred to in regulation 3;

"colour" means a colour typical of the cultivar concerned;

"consignment" means a quantity of garlic delivered at any one time under cover of the same delivery note, consignment note or receipt note or from the same vehicle, or if any such quantity is subdivided into different size groups, classes, cultivars or packaging, each quantity of each of the different size groups, classes, cultivars or packaging;

"container" means the immediate container in which garlic is packed directly, the outer container in which pre-packed units are packed excluding prepacked units and/or shipping containers;

"decay" means a state of decomposition or fungal development or any insect infestation or insect damage with signs of tissue collapse or insect excrement which partly or completely affecting the quality of the garlic detrimentally is visually noticeable;

"diameter" means the largest diameter of garlic measured at right angles to a line running from the stem end to the root base;

"foreign matter" means any material not normally present in, on or amongst garlic excluding chemical residues;

"garlic" means the bulb and/or cloves of the plant *Allium sativum* L., and includes fresh garlic (garlic with a green stem and with the outer skin layers of the bulb still fresh), semi-dry garlic (garlic with the stem and outer skin layers of the bulb not completely dry) and dry garlic (garlic in which the stem, outer skin layers of the bulb and the skin layers surrounding each clove are completely dry);

"injury" means any wound which has pierced the skin of the garlic and exposes the flesh, with the exception of such wounds or puncture marks that have become completely calloused;

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

"sheath" means the outer wall that protects the garlic bulb or clove;

"sun damage" means yellow discolouration to the outer sheath due to exposure to the sun;

"the Act" means the Agricultural Product Standards Act No.119 of 1990;

"thick neck" means a garlic whose neck in proportion to the bulb thereof, is abnormally thick; and

"waxy breakdown" means light-yellow discoloured areas in the clove flesh that darkens to yellow or amber and becomes translucent, sticky and waxy.

Restrictions on the sale of garlic

2. (1) No person shall sell garlic in the Republic of South Africa--
 - (a) unless the garlic is sold according to the classes referred to in regulation 3;
 - (b) unless the garlic complies with the standards for classes referred to in regulation 4;
 - (c) unless such garlic is packed in a type of container and in the manner prescribed in regulations 5 and 6;
 - (d) unless such garlic is marked with the particulars and in the manner prescribed in regulation 7;
 - (e) if such garlic contains a substance prescribed as a substance which it may not contain;
 - (f) if such garlic is packed in a container or in a manner prescribed as a container in which or a manner in which it may not be packed; and
 - (g) if such garlic is marked with particulars or in a manner prescribed as particulars with which or a manner in which it may not be marked.

- (2) Imported garlic shall be exempted from the provisions of subregulation (1): Provided that the garlic--
 - (a) comply with either the Codex, UNECE (United Nations Economic Commission for Europe) or OECD (Organization for Economic Co-operation and Development) standards; and
 - (b) are according to bilateral agreement accompanied by a certificate issued by a relevant government authority responsible for quality control of fresh fruits and vegetables and in which it is certified that the quality of the garlic as verified through inspection conforms to the relevant standards.

(3) 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 subregulation (1): Provided that such exemption is done in terms of section 3 (1) (c) of the Act.

QUALITY STANDARDS

Classes for garlic

3. There are three classes of garlic, namely Class 1, Class 2 and Class 3.

Standards for classes

4. (1) Subject to the provisions of subregulation (2), garlic which is classified as Class 1 Class 2 or Class 3 shall comply with the specifications set out in Table 1 of the Annexure.

(2) The extent to which Class 1, Class 2 and Class 3 garlic may deviate from the specifications prescribed in sub-regulation (1) is determined in accordance to subregulation (3) and are set out in Table 2 of the Annexure.

(3) The extent to which Class 1, Class 2 and Class 3 garlic deviates from the prescribed specifications shall be determined as follows:

- (a) Examine the bulbs in the sample of the consignment sensorially in order to determine whether such deficiencies occur thereon or therein: Provided that any bulb from the sample referred to in regulation 10 with suspected internal deficiencies may be dissected for the purpose of a confirmation or otherwise of the observation concerned.
- (b) Determine with regard to each of the separate quality factors mentioned in subregulation (2) the mass of garlic that deviates from the prescribed specifications.
- (c) Express the mass determined in paragraph (b) as a percentage of the net mass of the container of garlic.
- (d) Such percentage represents the extent to which garlic with the deviation concerned is present in such container.

(4) No consignment of garlic classified as "Class 1", "Class 2" or "Class 3" shall contain plant injurious organisms of phytosanitary importance as specified in the Agricultural Pest Act No. 36 of 1983.

(5) Garlic shall be fit for human consumption as prescribed in terms of the Foodstuffs, Cosmetics and Disinfectants Act No. 54 of 1972.

Requirements for containers

5. Garlic shall be packed in containers which--

- (1) are intact, clean, suitable and strong enough for the packing and normal handling of garlic;
- (2) shall not impart a taste or odour to the garlic;
- (3) consist of pockets, cardboard cartons, or boxes; and
- (4) in case of containers that are re-used, be of such material that the container can be cleaned and disinfected prior to re-use.

Packing requirements

6. (1) Garlic shall correspond in cultivar, class and size group in the same consignment.
- (2) Containers shall be properly closed.

(3) Garlic shall, subject to the provisions of subregulation (5), be packed according to the diameter of the garlic in size groups: Provided that the difference in diameter between the smallest and the largest bulb in the same container shall not exceed 20 mm.

(4) The minimum diameter for garlic is 30 mm.

(5) Garlic packed in a container in accordance with subregulation (3) may deviate by not more than 10 percent on a mass per mass basis from the minimum and maximum diameter indicated on the container: Provided that not more than 5 percent of the garlic shall be smaller than the minimum diameter concerned.

(6) Dry, semi-dry and fresh garlic may be marketed loose, in pre-packs, in bunches or in strings, and for the purposes of these regulations such a collection of garlic shall be regarded as a container of garlic.

Marking requirements

7. (1) Containers containing garlic destined for sale, shall be marked in clear and legible letters with the following particulars:

- (a) The name and address or trade mark of the producer, owner, packer or local dispatcher.
- (b) The expression "Product of" or "Produce of" followed by the full name of the country of origin thereof or the country of origin declared as required by the regulations published in terms of the Foodstuffs, Cosmetics and Disinfectants Act No. 54 of 1972.
- (c) The expression "Class 1", "Class 2" or "Class 3" as the case may be.
- (d) The size group of the garlic in the container, indicated as minimum diameter and maximum diameter.
- (e) The net mass of the contents.
- (f) The expression "garlic", in the case of containers the contents of which are not visible from outside.
- (g) If containers are packed in a carrier container, each carrier container shall be marked with the particulars set out in paragraphs (a) to (f) above, as well as with the number of containers it contains and its contents, on at least one end of every carrier container by means of stamping or printing or by pasting a printed label thereon.

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

(3) Particulars shall be printed in English or both in English and any of the other official languages.

(4) 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 in red ink across the old class or size designation, in clear legible block letters larger than the previous marks, with a suitable stamp.

(5) Any labels shall be firmly affixed to each container. If more than one label is used, the markings on different labels shall not be contradictory.

- (6) Each container containing garlic shall be provided with one or more labels that shall be-
- (a) intact, clean, neat and legible;
 - (b) manufactured from any 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

8. When garlic is displayed for sale in loose quantities--

(1) any quantity of a particular class, a size group or a cultivar shall not be displayed mixed with garlic of any other class, size group or cultivar; and

(2) the class, size group and country of origin of such garlic 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 garlic.

Prohibited particulars

9. No wording, illustration or other device of expression which constitutes a misrepresentation or which directly or by implication can create a misleading impression of the contents shall appear on a container containing garlic or on a label affixed thereto or on a notice board which is displayed therewith.

Sampling

10. An inspector shall abstract a number of containers randomly for inspection and shall satisfy him or herself that the containers thus abstracted, are representative of the consignment concerned. Each container abstracted in this way shall be inspected separately.

Offences and penalties

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

ANNEXURE

Table 1

QUALITY SPECIFICATIONS

	Quality factor	Class1	Class 2	Class 3
1.	General appearance	Very good quality garlic bulbs shall be sound and whole, firm, mature and well cured (not shattered, soft, spongy or dried out). Free of defects except for very slight superficial defects.	Good quality garlic bulbs shall be sound and firm, mature and well cured (not shattered, soft, spongy or dried out). Slight defect in shape may occur or is allowed.	*
2.	Decay	Not permissible	Not permissible	Slight decay permissible.
3.	Frost and sun damage	Not permissible	Not permissible	Practically free: provided that the damage is not deeper than three fleshy bracts.
4.	Externally visible sprouts	Not permissible	Not permissible	Permissible
5.	Abnormal external moisture	Not permissible: Provided that moisture resulting from natural condensation shall not be regarded as abnormal.	Not permissible: Provided that moisture resulting from natural condensation shall not be regarded as abnormal.	*
6.	Foreign smell and taste	Not permissible	Not permissible	Not permissible
7.	Cloves	Cloves shall be compact and well filled. Cloves shall fit closely together for at least two thirds of the length of individual cloves.	Cloves shall be reasonably compact, and well filled. Incomplete bulbs with not more than 3 cloves missing are permissible. Cloves shall fit closely together for at least half of the length of individual cloves.	Cloves may be missing.
8.	Foreign matter	Bulbs shall be properly cleaned and free from any traces of soil, sand, organic matter and other visible foreign matter.	Bulbs shall be properly cleaned and free from any traces of soil, sand, organic matter and practically free from other visible foreign matter.	Bulbs shall be properly cleaned and free from any traces of soil, sand, organic matter and moderately free from other visible foreign matter.

	Quality factor	Class1	Class 2	Class 3
9.	Shape	Typical of cultivar and fairly regular: Provided that slight swellings are permissible.	Typical of cultivar: Provided that irregularly shaped bulbs are permissible.	Typical of cultivar: Provided that irregularly shaped bulbs are permissible.
10.	Colour	Characteristic of commercial type: Provided that light discoloration limited to 10% of bulb surface is permissible.	Characteristic of commercial type: Provided that light discoloration on less than one third of bulb surface is permissible.	Characteristic of commercial type: Provided that light discoloration on less than two third of bulb surface is permissible.
11.	Sheath	Bulbs shall be well sheathed. Small tears of the outer sheath are permissible: Provided that not more than 10% of the total surface of the bulb is exposed.	Bulbs shall be well sheathed. Tears of the outer sheath are permissible: Provided that not more than 30% of the total surface of the bulb is exposed.	Bulbs shall be well sheathed. Tears of the outer sheath are permissible: Provided that not more than 50% of the total surface of the bulb is exposed.
12.	Damage by insects and organisms	Not permissible	Slight surface damage permissible	Moderate surface damage permissible: Provided that not more than 25% of the bulb shall be cut away with a straight cut to remove the damaged portions.
13.	Injury, bruises and blemishes	Not permissible	Healed mechanical injuries or slight bruises (of not more than 8 mm in length and 3 mm in depth) are permissible: Provided that not more than 3 cloves per bulb are affected.	*
14.	Thick necks	Not permissible	Thick necks with a diameter not exceeding one third of the diameter of the bulb are permissible.	*
15.	Waxy breakdown	Light yellow areas in flesh of cloves are permissible. Amber coloured, translucent, sticky and waxy cloves are not permissible	Soft cloves are not permissible: Provided that up to 3 cloves per bulb may be amber coloured, translucent and waxy.	*

	Quality factor	Class1	Class 2	Class 3
16.	Stems	Cut off neatly and evenly to a maximum length of 30 mm for dry garlic, 100 mm for half dry and fresh garlic and 250 mm for bunches and strings.	Cut off neatly and evenly to a maximum length of 30 mm for dry garlic, 100 mm for half dry and fresh garlic and 250 mm for bunches and strings.	*
17.	Roots	Cut off neatly to a maximum length of 5 mm for dry garlic and 10 mm for half dry and fresh garlic.	Cut off neatly to a maximum length of 5 mm for dry garlic and 10 mm for half dry and fresh garlic.	Cut off neatly to a maximum length of 10 mm for dry garlic and 15 mm for half dry and fresh garlic.
18.	Black mould	Shall be free from visual black mould.	Not more than 20% of the surface of the bulb may be affected with a slight intensity of black mould. Not more than 10% of the surface of the bulb may be affected with a serious intensity of black mould.	Not more than 50% of the surface of the bulb may be affected with a slight intensity of black mould. Not more than 20% of the surface of the bulb may be affected with a serious intensity of black mould.
19.	Any internal or external quality factor not mentioned in items 1 to 18 that may affect the quality of the garlic detrimentally	Not permissible	Not permissible	*

* No specifications

Table 2**MAXIMUM PERMISSIBLE DEVIATIONS BY PERCENTAGE**

Quality factor	Class 1	Class 2	Class 3
Visible sprouts	10%	15%	25%
Decay	1%	2%	5%
Black mould	3%	5%	10%
Deviations in this table, including unspecified internal and external deviations, collectively: Provided that such deviations are individually within the specified limits.	10%	15%	25%
Size	Not more than 10%	Not more than 15%	Not more than 25%