

DEPARTMENT OF AGRICULTURE

No. R. 246

21 February 2003

AGRICULTURAL PRODUCT STANDARDS ACT, 1990 (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 has, in terms of section 15 of the Agricultural Product Standards Act, 1990 (Act No. 119 of 1990) made the regulations in the Schedule.

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 --

"**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;

"**class**" with regard to the quality of garlic, means a class as referred to in regulation 4;

"**classified garlic**" means garlic which has been classified according to the classes specified in these regulations and of which the container is marked with a class designation or other designation indicating that such garlic is of a particular quality or possesses particular quality properties;

"**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.

"**decay**" means a state of decomposition or fungus development or any insect infestation, partly or completely affecting the quality of the garlic detrimentally;

"**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);

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

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

"**unclassified garlic**" means garlic which has not been classified according to the classes specified in these regulations and the quality specifications in Table 1, and of which the container is marked with a designation to indicate that no definite class or grade has been applied to the container.

Restrictions on the sale of garlic

2. (1) No person shall sell in the Republic of South Africa
- (a) classified garlic --
 - (i) unless the garlic is sold according to the classes referred to in regulation 4;
 - (ii) unless the garlic complies with the standards for classes referred to in regulation 5;
 - (iii) unless such garlic is packed in a container and in the manner prescribed in regulations 6 and 7;
 - (iv) unless the containers in which such garlic is presented for sale have been manufactured according to the requirements prescribed in regulation 6;
 - (v) unless such garlic is marked with the particulars and in the manner prescribed in regulation 8;
 - (vi) if such garlic contains a substance prescribed as a substance which it may not contain;
 - (vii) 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
 - (viii) 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;
 - (b) unclassified garlic unless such garlic is marked with the particulars and in the manner prescribed in regulation 8(8).
- (2) 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).

Offences and penalties

3. 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 in accordance with section 11 of the Act.

Classes for garlic

4. (1) Garlic shall be sold as either classified garlic or unclassified garlic.
- (2) There are two classes of classified garlic namely Class 1 and Class 2.

Standards for classes

5. (1) Subject to the provisions of subregulation (2), garlic which is classified as Class 1 and Class 2 shall comply with the specifications set out in Table 1 of the Annexure.
- (2) The extent to which Class 1 and Class 2 garlic may deviate from the specifications prescribed in subregulation (1) are determined in accordance to subregulation (3) and are set out in Table 2 of the Annexure.

(3) The extent to which Class 1 and Class 2 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.

Requirements for containers

6. Garlic shall be packed in containers which --

- (a) are intact, clean, suitable and strong enough for the packing and normal handling of garlic;
- (b) shall not impart a taste or odour to the garlic; and
- (c) consist of pockets, cardboard cartons, or boxes.

Packing requirements

- 7.
- (a) Classified garlic shall correspond in cultivar, class and size group in the same consignment.
 - (b) Containers shall be properly closed.
 - (c) Classified garlic shall, subject to the provisions of subregulation (e), 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 15 mm.
 - (d) The minimum diameter for classified garlic is 30 mm.
 - (e) Garlic packed in a container in accordance with subregulation (c) may deviate by not more than 10 per cent 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.
 - (f) 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

8. (1) Containers containing classified garlic destined for sale, shall be marked in clear and legible block letters of at least 5 mm in height with the following particulars:

- (a) The name and address or trade mark of the producer, owner, packer and/or local dispatcher.
- (b) The expression "Product of" followed by the name of the country of origin of the garlic.

- (c) The class, in the case of Class 1 and Class 2.
 - (d) The size group of the garlic in the container, indicated as minimum diameter and maximum diameter.
 - (e) The net mass of the contents, in letters of a size as prescribed by the Trade Metrology Act, 1973 (Act No. 77 of 1973).
 - (f) The word “garlic”, in the case of containers the contents of which are not visible from outside.
 - (g) If containers is packed in a carrier container each carrier container shall be marked with the particulars set out in subitem (1), as well as with the number of container 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 or on a label affixed to the container.
- (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 of at least 2 mm 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 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.
- (7) If classified garlic is displayed for sale in loose quantities --
- (a) 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
 - (b) 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.
- (8) Containers containing unclassified garlic destined for sale, shall be marked in clear and legible block letters of at least 5 mm in height with the name and address of the producer or owner and with the expression “Unclassified 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 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.

ANNEXURE

Table 1

QUALITY SPECIFICATIONS

| | Quality factor | Class 1 | Class 2 |
|-----|---------------------------------|---|--|
| 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) | Good quality garlic bulbs shall be sound and firm, mature and well cured (not shattered, soft, spongy or dried out) |
| 2. | Decay | Not permissible | Not permissible |
| 3. | Frost and sun damage | Not permissible | Not permissible |
| 4. | Externally visible sprouts | Not permissible | Not 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 |
| 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 reasonable 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. |
| 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 |
| 9. | Shape | Typical of cultivar and fairly regular: Provided that slight swellings 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 |
| 11. | Sheath | Bulbs shall be well sheathed. Small tears of the outer sheath is 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 is permissible: Provided that not more than 30% of the total surface of the bulb is exposed |
| 12. | Damage by insects and organisms | Not permissible | Not permissible |

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|-----|---|--|--|
| 13. | Chemical residues which exceed the limits prescribed in terms of the Fertilisers, Farm Feeds, Agricultural Remedies and Stock Remedies Act, 1947 (Act No. 36 of 1947) | Not permissible | Not permissible |
| 14. | Injuries: wounds, 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 |
| 15. | Thick necks | Not permissible | Thick necks with a diameter not exceeding one third of the diameter of the bulb are permissible |
| 16. | Waxy breakdown | Light yellow areas in flesh of cloves are permissible. Amber coloured translucent sticky, 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 |
| 17. | 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 |
| 18. | 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 |
| 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 |

Table 2
QUALITY SPECIFICATIONS

| Quality factor | Class 1 | Class 2 |
|--|--------------------------------|--------------------------------|
| Visible sprouts | 2% | 5% |
| Decay | 2% | 5% |
| Deviation from requirements for containers and packing requirements as prescribed | 10% | 10% |
| Deviations from marking requirements as prescribed | Two containers per consignment | Two containers per consignment |
| Deviations in this table, including unspecified internal and external deviations, collectively: Provided that such deviations are individually within the specified limits | 10% | 10% |