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Summary of the Liquor Products Act Regulations, 1990¹

Below are detailed regulations and schemes under the Liquor Products Act, 1989² (Act No. 60 of 1989).

Here's a summary of the text in these regulations:

- **Commencement of the Liquor Products Act, 1989**
 - Proclamation No. R. 105, 1990, issued by the State President, declares 1 July 1990 as the date on which the Liquor Products Act, 1989, comes into operation.
- **Limitations on the Use of Certain Particulars in Connection with the Sale of Liquor Products (Government Notice No. R. 1432, 29 June 1990)**
 - The Minister of Agriculture published prohibitions and reservations under section 11(4) of the Act, which also took effect on 1 July 1990. This notice repealed previous Government Notices from 1985, 1986, and 1987.
 - **Definitions:** "the Act" refers to the Liquor Products Act, 1989, and its associated regulations.
 - **Wine Class Designations:** It prohibits the use of class designations like "*special late harvest wine*," "*noble late harvest wine*," "*blanc de noir wine*," or any misleading translations or similar expressions in connection with the sale of wine, unless specifically authorised by a scheme.
 - **Brandy Liqueur Prohibition:** It prohibits the use of the designation "*brandy liqueur*" for any liquor product sold or imported into the Republic of South Africa.
- **Regulations Under the Liquor Products Act, 1989 (Government Notice No. R. 1433, 29 June 1990)** These comprehensive regulations, also made by the Minister of Agriculture and effective 1 July 1990, cover various aspects of liquor products.
- **Key Definitions (Regulation 1):** The regulations provide specific definitions for terms such as:
 - "*bottle*": A container made of glass.

¹ Source: Google NotebookLM

² Source: <https://gazettes.africa/akn/za/officialGazette/government-gazette-regulation-gazette/1990-06-29/12558/eng@1990-06-29>

Summary of the Liquor Products Act Regulations, 1990

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- **"certify"**: To grant authorisation for the use of specific particulars in connection with wine sales.
 - **"code number"**: A registered number for the responsible seller.
 - **"fortified wine"**: Wine with 16.5% to 22.0% alcohol content, achieved by adding grape spirit.
 - **"main label"**: The most prominent label on a liquor product container.
 - **"must"**: The juice of fresh grapes capable of alcoholic fermentation.
 - **"natural wine"**: Wine with alcohol content between 6.5% and 16.5%.
 - **"responsible seller"**: The person bottling or importing sealed liquor products for sale.
 - **"sparkling wines"**: Wines of specific classes listed in Table 2.
 - **"sweet reserve"**: Partially fermented must with a residual sugar content of at least 130 g/L.
 - **"the Act"**: Refers to the Liquor Products Act, 1989.
- **Part 1: Production and Compositional Requirements**
 - **Wine (Regulations 2-5):**
 - **Only grape cultivars listed in Table 1** may be used for wine production, though the board can approve others.
 - General requirements include being a natural or fortified wine, with specific limits on residual sugar content (for natural wines, not exceeding 30.0 g/L), volatile acid content (not exceeding 1.2 g/L), and bottle pressure (less than 75 kPa).
 - Table 2 specifies **classes for wine** (e.g., Extra Dry, Dry, Semi-Dry, Late Harvest, Special Late Harvest, Noble Late Harvest, Sparkling Wines, Blanc de Noir, Rosé, Dessert, Liqueur wines) and their specific requirements, including sugar levels, alcohol content, and production methods.
 - **Alcoholic Fruit Beverages (Regulations 6-8):**
 - Classes are defined in Table 3.
 - Must be produced from fruit juice from specified fruit types using generally accepted processes.
 - Alcohol content must align with Table 3, and volatile acid content must not exceed 1.2 g/L.

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- Specific blending rules apply, allowing up to 25% of other fruit juices for certain types. The flavour, taste, and character must be clearly distinguishable from other liquor products.
- **Spirits (Regulations 9-24):**
 - **Lists various spirits** (e.g., Grape spirit, Brandy, Whisky, Rum, Gin, Vodka) with their designated raw materials and specific production and compositional requirements, including minimum alcohol content and volatile constituent levels.
- **Grape-based Liquors (Regulations 25-27):**
 - **Permits** any Vitis vinifera grape cultivar. Classes (e.g., Vermouth, Cocktail, Flavoured Grape Liquor, Grape Liquor) and their production methods and alcohol content are detailed in Table 4. Volatile acid content must not exceed 1.2 g/L.
- **Spirit-based Liquors (Regulations 28-29):**
 - Classes (e.g., Liqueur, Spirit Cocktail, Cream Liqueur) and their production methods, alcohol content, and minimum residual sugar content (e.g., 100 g/L for liqueur) are detailed in Table 5.
- **Addition and Removal of Substances (Regulations 30-31):**
 - Table 6 lists **substances that may be added to liquor products**, along with specific conditions for their addition (e.g., not harmful to health, in accordance with accepted practices).
 - Table 7 lists **substances that may be removed** from liquor products (e.g., undesirable flavours, heavy metals, tartrates, cloudiness).
 - A **specific procedure**, involving administering officer supervision and analysis, is outlined for the removal of heavy metals using potassium ferro cyanide.
- **Restricted Substances (Regulation 32):** Table 8 specifies the **maximum permissible extent** to which certain substances (e.g., arsenic, boron, lead, mercury, methanol, sulphur dioxide) may be contained in liquor products.

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- **Part 2: Labels and Labelling Requirements**

- **Compulsory Particulars (Regulation 33):** Labels must include the class designation, alcohol content, country of origin, and the name and address or code number of the responsible seller.
- **Exemptions:** Indication of **class designation for wine** may be omitted unless it's perlé or sparkling wine. Alcohol content indication was not required until 30 June 1992, except for grape liquor and flavoured grape liquor. Country of origin can be omitted if produced in the Republic, with exceptions.
- **Manner of Indication (Regulation 34): Details** must be on the front of the main label, in consistent colour, type, and size, on a contrasting background, clearly legible, and indelibly printed. Minimum letter heights are specified in Table 9 based on label area. Sticker labels are permitted for imported products under certain conditions.
- **Class Designation (Regulation 35):** Must use the **applicable class designation** from the relevant tables. Specific rules allow for omissions (e.g., "wine" for certain classes), substitutions (e.g., vintage year for "vintage"), and modifications for flavoured products or mixed spirits. Table 10 lists permissible alternatives for class designations.
- **Alcohol Content (Regulation 36):** Must be a figure representing the actual percentage alcohol by volume, followed by a percentage symbol and a prescribed expression (e.g., "alcohol per volume"). It must not differ significantly from the actual content (1.0% for wine, 0.5% for others) and must be within maximum/minimum limits.
- **Country of Origin (Regulation 37):** Specific **phrases** are mandated based on where the product was produced and bottled (e.g., "Produced and bottled in [Country]", "Produced in [Country A] and bottled in [Country B]").
- **Responsible Seller (Regulation 38):** Name and address must match their Liquor Act, 1989 license, or a registered code number. Corporate names must be full registered names. Place names on labels must be clearly part of the name/address and consistent in appearance.
- **Prohibited Practices and Exemptions (Regulation 39):**
 - **Prohibits** using "*sparkling*" or "*vonkel*" for non-wine liquor products unless the pressure is at least 75 kPa.
 - **Prohibits** using words or expressions for flavoured grape liquor or grape liquor that could misleadingly suggest they are wine or spirits.
 - **Prohibits** misleading use of "*noble*" or "*edel*" for non-noble late harvest wine.

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- **Exemptions** exist for descriptive class designations and specific historical uses (e.g., "Vin Fumé" until 1991).
- **Registration of Code Numbers (Regulation 40):** The **administering officer** can register code numbers for responsible sellers. An application, including a certified copy of the seller's liquor license and a fee (Table 11), is required. Annual maintenance fees are payable. Registration lapses if fees aren't paid or the liquor license is withdrawn. Lapsed code numbers generally cannot be re-registered for 10 years by another seller unless they are the legal successor. A register of code numbers is maintained and published in the Gazette.
- **Filing of Labels (Regulation 41):** Two specimens of each label must be filed with the administering officer by 30 June 1991 for existing labels, or within 60 days of first use for new labels.
- **Part 3: Import Requirements**
 - **Exemptions (Regulation 42):** Import certificates are not required for liquor products with more than 1% alcohol imported as personal luggage for drinking purposes, up to a total volume of 12 litres, solely for personal consumption.
 - **Applications for Import Certificates (Regulation 43):** Applications are made on a specific form, accompanied by fees (Table 11), samples (with exceptions), a certificate of analysis (with exceptions), and documentary proof for products with specific production/maturation requirements. Separate applications are generally required for products differing in container, composition, or labelling, or from different foreign suppliers. Special rules apply for individuals relocating to the Republic, allowing a single application for household effects with an undertaking not to sell them. Applications for certain non-wine/spirit products are forwarded to the board for recommendation.
 - **Exemption from Fees (Regulation 44):** Fees are **waived** for diplomatic officers, products for scientific purposes, samples exempted from submission, and household goods imported by relocating individuals.
 - **Samples of Products Intended for Import (Regulation 45):** Samples are generally required (at least 750 mL), identified with a label, and for labelled containers, at least one such container must be submitted. Two specimens of labels must be filed. Exceptions exist for certain non-commercial imports.
 - **Certificates of Analysis (Regulation 46):** Generally required from a competent authority in the country of origin, containing necessary details for compliance assessment. The administering officer can order an analysis if the provided certificate is unacceptable, with the applicant bearing the cost.

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- **Issuing of Import Certificates (Regulation 47):** Certificates are issued only if restricted substances (Table 8) are within limits, and for labelled products, if the labels comply with the Act and regulations. The certificate is endorsed with conditions.
- **Certificates of Removal for Imported Liquor Products (Regulation 48):** Imported liquor products must remain in a customs and excise warehouse until a certificate of removal is issued. Special permission can be granted to move sealed shipping containers to other premises, but the product remains sealed until the certificate is issued. Applications for removal require forms, fees (Table 11), and relevant documents. The administering officer may require a sample (at least 750 mL, random, sealed, analysed). The certificate is issued if particulars match, labels comply, and conditions are met.
- **Disposal of Liquor Products Imported in Bulk (Regulation 49):** Bulk-imported liquor products cannot be blended with other products before bottling or sold after bottling without written permission from the administering officer. Application for such permission requires a form, fees (Table 11), and samples. Labels must be filed. Permission is granted if the product and labels comply with requirements.
- **Part 4: Export Requirements**
 - **Exemptions (Regulation 50):** Export certificates are not required for personal luggage, ship/aircraft stores, exports to countries listed in Table 12 (e.g., Angola, Botswana, Namibia, Zimbabwe), or products not produced and bottled in the Republic.
 - **Applications for Export Certificates (Regulation 51):** Applications are made on a specific form, accompanied by fees (Table 11). Wine intended for export to the European Community requires a specific undertaking. Separate applications are generally needed for products differing in container, composition, or labelling, or from different producers. Special provisions apply for individuals moving from the Republic, exporting gifts/trade samples, or tourists, allowing a single application for multiple items under certain volume limits and with an undertaking not to sell them (if applicable). Bulk containers must be marked for identification.
 - **Samples of Products Intended for Export (Regulation 52):** The administering officer typically takes a sample (three 750 mL units, sealed, identified) after the consignment is prepared. Specific rules apply for different container sizes and bulk exports. One unit is analysed, another is submitted for sensorial

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judgment. Exemptions from sampling exist for certain non-commercial exports and for certified wines within specific timeframes (e.g., red/fortified wine certified within 12 months, other wines within 6 months).

- **Issuing of Export Certificates (Regulation 53):** A certificate is issued if analysis confirms it's a liquor product (or acceptable for drinking in the destination country), the board deems it suitable based on sensorial judgment (no unacceptable quality characteristics as per Table 4), and labels comply with regulations or are suitable for the destination country.
 - **Export Directions (Regulation 54):** Bulk products must be exported **within 42 days**, and contained products within 90 days of certificate issue, with possible extensions by the officer. The holder must notify the officer at least 48 hours before shipment. Loading for shipment is only under supervision or authority, and if the particulars match the certificate. If a "CHECK SAMPLE FOLLOWS" mark was used, a further sample must be taken and analysed before loading. If the officer is not satisfied, the certificate is returned, and the consignment cannot be loaded.
- **Part 5: Miscellaneous Provisions**
 - **Authorisations for Certain Alcoholic Products (Regulation 55):** Applications for authorisations under section 10 of the Act (e.g., sacramental beverages, or alcoholic beverages from orange juice + cane sugar) require a written application and an initial fee, followed by an annual maintenance fee (Table 11).
 - **Control over Substances (Regulation 56):** Strict rules apply to receiving, keeping, and using sugar (other than vine product) and its preparations at liquor production premises: it must be in a separate, locked room, and its movement recorded. A small exemption exists for cane sugar for human consumption (up to 25 kg). Similar rules apply to flavourants and colourants, which may only be kept if permitted for use in liquor products.
 - **Analysis of Samples (Regulation 57):** Specifies the official methods for determining various chemical properties of liquor products, citing international and specific analytical chemistry standards.
 - **Appeals (Regulation 58):** An appeal against a decision or direction by the administering officer or the board must be in the form of an affidavit, detailing the decision and grounds, lodged with the Director-General within 90 days, and accompanied by a fee (Table 11). An appeal board is nominated for the appeal.

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- **Offences and Penalties (Regulation 59):** Contravention or failure to comply with regulations 2, 39(a), (b), (c), or 56(1), (3) is an offence punishable by a fine not exceeding R2 000 or imprisonment up to six months, or both.
- **Wine of Origin Scheme** (Government Notice No. R. 1434, 29 June 1990) This scheme was established by the Minister of Agriculture under section 14 of the Act, effective 1 July 1990, to develop distinctiveness and quality in wines, confirm origin, and build confidence. It applies to wine produced from grape cultivars listed in Table 1.
 - **Key Concepts and Definitions (Section 1):** Defines various terms crucial to the scheme, including "area of production" (region, district, ward, or estate), "*blanc de noir wine*," "*cultivar wine*," "*estate wine*," "*noble late harvest wine*," "*sparkling wines*," "*special late harvest wine*," "*vintage wine*," and "*wine of origin*".
 - **Authority for Indication of Certain Particulars (Section 5):** Names of production areas, vine cultivar designations (Table 1), vintage year, and specific terms like "*estate*" or "*vintage*," as well as class designations for "*special late harvest*," "*noble late harvest*," and "*blanc de noir*" wines, can only be used after certification.
 - **Limited Exceptions:** Estate names can be used without certification if the wine is bottled on the estate, containers are 2 litres or less, no other scheme particulars are on labels, and labels are approved. Historical use of "Paarl" and "Worcester" is protected under certain conditions. "Paarl" and "Constantia" have specific exemptions for non-EU exports.
 - **Defining Areas of Production (Section 6):**
 - The Wine and Spirit Board can define, amend, or withdraw regions, districts, wards, or estates by Gazette notice, subject to conditions.
 - Applications for such definitions require specific documents, fees, and public notice in the Gazette and newspapers.
 - **Estate Definition Criteria:** An estate definition requires a board-approved cellar on the land, the applicant must be the registered owner of the cellar land and owner/lessee of all land covered by the application. All land must be legally used for grape cultivation, typically adjoin each other (with allowances for certain separations like roads), be farmed as a single unit, and share similar climatic/ecological conditions. Leased land can be included under strict conditions (e.g., minimum 9 years 11 months lease, adjoining criteria).

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- The board can also prescribe requirements for "*distinctive wine*", including permitted cultivars, cultivation practices, maximum grape mass/wine volume, and quality standards.
- **Conditions for Certification (Section 7):** Wine can be certified if its grapes were pressed under an "*authority*," all required notices and conditions are met, containers and labels comply with specific requirements (Sections 21, 23), the wine itself meets the requirements for its class (Sections 8-14), has received provisional (Section 25) and final (Section 27) approval, and bears a seal or mark (Section 26). Wine intended for bulk export is exempt from container, label, and seal requirements.
- **Requirements for Specific Wine Classes (Sections 8-14):** Each section details specific requirements for:
 - **Estate Wines (Section 8):** Primarily from grapes harvested, produced, matured, and bottled on the defined estate. Minor exceptions for concentrated must or spirit additions. Cellar use is generally restricted to estate grapes. Must meet the Act's requirements and have no unacceptable quality characteristics.
 - **Wines of Origin (Section 9):** Primarily from grapes harvested and produced within the defined region, district, or ward. Historical exceptions apply to the grape origin. Must meet the Act's requirements and have no unacceptable quality characteristics.
 - **Cultivar Wines (Section 10):** At least 75% of content from the stated vine cultivar. It must also be an estate wine or wine of origin. Must possess the cultivar's distinctive character (unless noble late harvest). The board can approve the blending of wines from different districts for a cultivar wine under strict conditions.
 - **Vintage Wines (Section 11):** At least 75% of the content from grapes harvested in the stated year. It must also be an estate wine or wine of origin. The board can approve "vintage-only" certification in specific justified cases.
 - **Special Late Harvest Wines (Section 12):** Must be an estate wine or wine of origin and meet the requirements in the main regulations.
 - **Noble Late Harvest Wines (Section 13):** Must be a vintage wine and an estate wine or wine of origin. Must meet the requirements in the main regulations and quality standards set by the board. Specific rules apply for adding other wines to noble late harvest.

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- **Blanc de Noir Wines (Section 14):** Must be solely from specific grape cultivars listed in Table 2. Must be an estate wine or wine of origin and meet the requirements in the main regulations.
- **Authority to Press Grapes (Section 15):** Required for grapes intended for certified wine production. Applications are submitted to the board at least 30 days before pressing.
- **Pressing of Grapes (Section 16):** Requires specific notifications to the board, daily recording in a press register, and keeping a wine record. The board samples Noble late harvest grapes before crushing.
- **Addition and Removal of Substances and Treatments (Section 17):** The general Act's rules for adding/removing substances and treatments apply. Full details must be recorded. Specific rules govern adding pure yeast cultures (origin, volume limits) and "topping wine" (for volume loss, with strict volume limits and character preservation).
- **Determination of Volume (Section 18):** Authority holders must determine and record sweet reserve and wine volumes by specific dates.
- **Transfers Between Premises (Section 19):** Must, sweet reserve, or wine produced under authority cannot be transferred without the board's written permission. Specific conditions apply depending on the product type (e.g., must for wine of origin only within the same area, sparkling wine pressure requirement). Records must be kept.
- **Combination and Blending of Must, Sweet Reserve, and Wine (Section 20):** Generally, requires board permission to add or blend must, sweet reserve, or wine (whether under authority or not) with products under authority. Exceptions include topping wine and combining products from different authorities if they can be certified for the same particulars. Strict rules apply to adding sweet reserves for sweetening and blending wine into noble late harvest wine.
- **Containers (Section 21):** For certified wine, containers must be made of glass and have specific maximum capacities (e.g., sparkling wines up to 3L, others up to 2L, or 5L for traditional-shaped corked bottles).
- **Bottling of Wine (Section 22):** Requires notification to the board at least three working days before bottling. Containers must be immediately identified after bottling with approved labels, specific stickers, or other board-approved methods.
- **Labels (Section 23):** Labels for certified wine must be approved by the board. Approval depends on compliance with Act and scheme requirements (e.g.,

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accuracy, no misleading information). Specific details for indicating blends, cultivar information, and awards are provided.

- **Indications on Labels (Section 24):** Specifies mandatory information for main labels of estate wines (estate name, "estate wine", grown/made/bottled location), wines of origin (region/district/ward name, "wine of origin"), cultivar wines (cultivar name, and origin info), and vintage wines (harvest year, and origin info). Similar rules for Special/Noble Late Harvest and Blanc de Noir wines. Lettering and sizing requirements are detailed in Table 3.
- **Provisional Approval of Wine (Section 25):** Wine intended for certification requires provisional approval based on an application, sample analysis, and sensorial judgment. The board evaluates compliance and unacceptable quality characteristics (Table 4 describes these, e.g., clarity, colour, flavour, taste defects). Provisional approval can be refused, with notification and strict rules for reconsideration. Provisional approval lapses if the wine is not bottled within 60 days, or within 8 months after issue if already bottled.
- **Seals and Marks (Section 26):** After provisional approval, a seal (issued by the board) or mark (board-determined) must be affixed to each container. Unused/damaged seals must be returned. Containers cannot be removed from the premises until final certification, or if it's a sample, or specifically permitted.
- **Final Approval of Wine (Section 27):** Requires an application to the board before provisional approval lapses. The board takes another sample for assessment. Final approval is granted if provisional approval is active, the sample is consistent with the earlier one, and labels/seals/marks are correctly affixed. Final approval is confirmed by a certificate. If refused, the applicant is notified, records are updated, and labels/seals/marks must be removed and destroyed under supervision.
- **Samples and Sampling (Section 28):** Details the process for taking samples for provisional and final approval, including quantity, randomness, and sealing procedures.
- **Recording Particulars (Section 29):** Requires specific details to be recorded on various documents (press register, production sheet, wine record, stock sheet, blending and bottling sheet) by the working day following the relevant event.
- **Termination of Participation (Section 30):** Participants can voluntarily terminate their involvement in the scheme by written notice. The board can also suspend or terminate participation if a participant fails to comply with the scheme's provisions or conditions.

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- **Payment of Fees (Section 31):** All postage and delivery costs for documents submitted to the board must be prepaid. Fees are generally payable to the board within 30 days of a statement, with some exceptions for prepaid amounts. Non-payment can result in immediate payment with interest, and the board may suspend the issue of seals or certification. The board can require prepayments or deposits from repeat non-payers. Outstanding fees from previous regulations are payable to the board.