

**DRAFT**

LEGAL NOTICE NO. ....OF 2019

THE DAIRY ACT, 1968

(Act No 28 of 1968)

THE DAIRY REGULATIONS, 2019

(Under section 32)

In exercise of the powers conferred by section 32 of the Dairy Act, 1968, the Minister for Agriculture makes the following Regulations -

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PART I  
PRELIMINARY

*Citation and commencement.*

1. (1) These Regulations may be cited as the Dairy Regulations, 2019.
- (2) These Regulations shall come into force on the date of publication in the Gazette.

***Interpretation.***

2. In these Regulations, unless the context requires, words or expressions used in the Act shall have the same meaning and -

***"Act"*** means the Dairy Act, No.28 of 1968;

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

***"amenities"*** include toilets, showers, locker rooms, change rooms, canteens and kitchens;

***"animal feed"*** means food given to animals in the course of animal husbandry;

***"animal food"*** means milk and milk products for use as feed for animals;

***"authority"*** means the Board, Government or agencies that have the legal authority to implement and enforce the regulations;

***animal fat"*** means any fat of animal origin, excluding milk fat and marine fat;

***"best before date"*** or ***"Best Quality Before Date"*** means the date which signifies the end of the period, under any stated storage conditions, during which the unopened product will remain fully marketable and will retain any specific qualities for which implied or express claims have been made. However, beyond the date the food may still be acceptable for consumption.

***"Board"*** means the Eswatini Dairy Board;

***"cheese vat"*** a vat or tub in which the curd is formed and cut or broken in cheese making.

***"Chief Executive Officer"*** means the Chief Executive officer of the Eswatini Dairy Board

***"chairperson"*** means the chairperson or, in the chairperson's absence, the vice-chairperson of the board;

***"claim"*** means any representation which states, suggests or implies that food has particular qualities relating to its origin, nutritional properties, nature, processing, composition or any other quality.

***"closed container"*** means a clean container that is impervious to liquid, leak proof and will protect the product therein from contamination under normal conditions of storage, handling and transport

***"Codex"*** means the *Codex Alimentarius* issued by the body known as the Codex Alimentarius Commission of the Food and Agriculture Organization of the United Nations and the World Health Organization.

***"coliform bacteria"*** means rod-shaped, gram negative aerobic and facultatively anaerobic non-spore forming bacteria that ferment lactose, producing gas and acid in the process;

***"condemned"*** means not suitable for use as food or for animal food and requiring destruction;

**“container”** means any packaging of food for delivery as a single item, whether by completely or partially enclosing the food and includes wrappers. A container may enclose several units or types of packages when such is offered to the consumer.

**“contaminated”** in respect of a dairy product, means containing, for any reason whatsoever, a chemical, drug, food additive, heavy metal, industrial pollutant, ingredient, medicament, microbe, pesticide, poison, toxin or any other substance not permitted by, or in an amount in excess of limits prescribed or regulated by public health laws;

**“country of origin”** with respect to a dairy product, means the country in which the product was produced or manufactured or the country in which the product last underwent substantial transformation or processing;

**“cream depot”** means a place or premises where cream is, pending consignment to a creamery collected, or deposited, for the purpose of weighing, sampling, grading or treatment;

**“commercial sterile”** means the absence of microorganisms capable of growing in the food at normal non-refrigerated conditions at which the food is likely to be held during manufacture, distribution and or storage.

**“composite dairy product”** means a product consisting of a combination of a primary dairy product and another foodstuff the solids of which are not intended to replace any part of the milk solids of that primary dairy product;

**“consumer”** means:-

- (a) a natural person who buys dairy products or services for personal use and not for manufacture or resale;
- (b) a natural person who can make a decision whether or not to purchase an item;
- (c) a natural person who can be influenced by marketing and or advertisement;
- (d) a natural person that consumes, especially one that acquires goods or services for direct use or ownership rather than for resale or use in production and manufacturing; or,
- (e) an entity that acquires dairy products for the furtherance of its operations.

**“control measure”** means a measure that prevents, eliminates or reduces a food safety hazard;

**“container”** means the container or wrapper or any object in which a dairy product or an imitation dairy product is sold

**“contaminant”** means any substance not intentionally added to food or feed for food producing animals, which is present in such food or feed as a result of the production (including operations carried out in crop husbandry, animal husbandry and veterinary medicine), manufacture, processing, preparation, treatment, packing, packaging, transport or holding of such food or feed, or as a result of environmental contamination.

**“creamery”** means any premises used for the manufacture of butter;

**“creamery butter”** means butter manufactured in a creamery;

**“critical control point”** means a factor, practice, procedure, process, or location which can be controlled in order to prevent, control, eliminate or reduce a hazard, or minimise the likelihood of its occurrence.

**“critical limit”** means the level at which a hazard may be controlled to prevent, control, eliminate or reduce the occurrence of the hazard.

**“culture”** means a liquid or powder containing one or more accepted selected micro-organism used in the manufacturing of cultured buttermilk, sour-cream, sour milk, yoghurt or any other type of fermented milk product

**“dairy”** means any premises on which milk is produced for the purposes other than for consumption by a household that produced such milk;

**“dairy animal”** means a cow, goat, sheep, camel or such other species of animal as may be kept for the purpose of milking;

**“dairy auditor”** means a qualified and authorized person who systematically and independently examines data, statements, records, operations and performances of a specified dairy industry chain for a stated purpose. The auditor perceives and recognizes the propositions before him for examination, collects evidence, evaluates the same and on this basis formulates his judgment, which is communicated through his audit report.

**“dairy business”** means an enterprise established for the harvesting or processing of milk from dairy animals or both;

**“dairy farming”** means a practice of agricultural, or an animal husbandry, enterprise, for production of milk, from dairy animals which may be either processed on-site or transported to a dairy factory for processing and eventual retail sale;

**“dairy farmer”** means a person who operates a dairy farm or establishment for business and personal purposes;

**“dairy plant”** means equipment, premises, a building or a structure where milk is received or stored or processed into dairy products;

**“dairy substitute”** means a substance or product marketed or used as an alternative to a dairy product;

**“dairy stakeholders”** means a person, group or organization having an interest or being impacted upon by anything happening in the dairy industry;

**“dairy transport business”** means an enterprise or activity involving the collection and transport of milk from any place to the dairy business, distributor, trader, retailer or consumer or the transport of milk, dairy product or dairy substitute and related products within Eswatini;

**“dairy distribution premises”** means any premises where packaged dairy and dairy related products are sold or distributed other than: -

- (a) dairy manufacturing premises; or
- (b) premises used only for retail purposes;

**“dairy distributor”** means a person who -

- (a) is the owner of a business that operates a dairy distribution premises; or
- (b) purchases dairy and dairy related products for the purposes of distribution and sale;

**“date of manufacture”** means the date on which the food becomes the product as described. This is not an indication of the durability of the product.

**“date of packaging”** means the date on which the food is placed in the immediate container in which it will be ultimately sold. This is not an indication of the durability of the product

**“DOHS”** means the Director of Health Services in the Ministry of Health;

**“dried milk”** or “milk powder” means a dry substance produced by desiccation of milk;

**“DVLS”** means the Director of Veterinary and Livestock Services in the Ministry of Agriculture;

**“Escherichia coli”** means the organism that produces gas at 44 degrees Celsius +/- 0.25 degrees Celsius in brilliant green 2% (m/v) bile broth and produces indole in tryptone water at the same temperature when incubated for 24 hours. When the violet red bile MUG agar method is used, the colonies that fluoresce blue in the surrounding media under an ultraviolet light after incubation for 24 +/- 1 hour at 30 degrees Celsius

**“establishment”** means premises that are approved or registered by the board in which milk, milk products and milk related products are produced, processed, prepared, handled, packed or stored;

**“extraneous”** means external origin

**“factory butter”** means butter that is—

- (a) manufactured on premises of which the registration as a butter factory is required; or
- (b) imported into Eswatini;

**“farm butter”** means butter, excluding medium-fat butter and low-fat butter, that is manufactured at premises other than premises of which the registration is required

**“farm cheese”** means cheese that is manufactured in a farm cheese factory;

**“financial year”** means any period of twelve months commencing with the first day of April;

**“fit for human consumption”** means safe and suitable for consumption by natural persons;

**“flavour”** means a complex sensation derived from the blending of smell and taste;

**“food”** means any substance, whether processed, semi-processed or raw, which is intended for human consumption, and includes drinks, chewing gum and any substance which has been used in the manufacture, preparation or treatment of “food” but does not include cosmetics or tobacco or substances used only as drugs

**“food additive”** means -

- (a) any of the various natural or synthetic substances, used in the to preserve or add flavour, colour, or texture to processed food; processing of food as preservatives, antioxidants, emulsifiers, etc, in order or
- (b) means an enrichment substance, supplement or any other substance which may be added to a foodstuff to effect its keeping quality, consistency, colour, taste, flavour, smell or other technical property as permitted and includes but is not limited to acids, bases, salts, preservatives, antioxidants, anti-caking agents, colourants, flavourings, emulsifiers, stabilisers and thickeners;
- (c ) means any substance not normally consumed as a food by itself and not normally used as a typical ingredient of the food, whether or not it has nutritive value, the intentional addition of which to food for a technological (including organoleptic) purpose in the manufacture, processing, preparation, treatment,

packing, packaging, transport or holding of such food results, or may be reasonably expected to result, (directly or indirectly) in it or its by-products becoming a component of or otherwise affecting the characteristics of such foods.

**“food carrying compartment”** means the part or area of a vehicle, ship, aircraft or other means of transport in which dairy products are contained during transportation;

**“foods for catering purposes”** means those foods for use in restaurants, canteens, schools, hospitals and similar institutions where food is offered for immediate consumption.

**“foodstuff”** means any substance that can be used or prepared for use as food;

**“fresh milk”** means milk that has been pasteurized produced directly from raw milk;

**“fresh Dairy Product”** means a product produced directly from fresh milk and should be clearly labelled as such before being placed for sale;

**“fruit”** means all the recognized fruit pulp and fruit puree and those vegetables pulp and vegetable puree recognised as suitable in adding to a dairy product and imitation dairy products;

**“fruit pulp”** means the edible part of the fruit with or without peel or skin and pips or seed as appropriate, which although it may have been sliced or crushed, has not been reduced to a puree;

**“further processing”** means further treating a dairy product or subjecting it to heat, either alone or in the process of being used as an ingredient in food manufacturing;

**“hazard”** means a biological, chemical or physical agent in, or a condition of, food that has the potential to cause an adverse health effect;

**“hermetically sealed container”** means an unopened container that is designed to be secure against the entry of micro-organisms, including spores;

**“ice-cream”** means the frozen product—

- (a) of water added to cream or milk with or without the addition of flavouring or other food; or
- (b) formed partly from water and cream or milk and intended for human consumption;

**“imitation dairy product”** means any product other than a dairy product or a fat spread, that is of animal or plant origin and in general appearance, presentation and intended use corresponds to a dairy product;

**“importing country authority”** in relation to a dairy product imported or to be imported into a country, means the authority or body in that country responsible for regulating the import of dairy products of that kind into that country;

**“importing country requirement”** means a requirement relating to dairy products that an importing country authority requires to be complied with before the dairy product may be imported into that country;

**“ingredient”** means any substance, including a food additive, used in the manufacture or preparation of a food and present in the final product although possibly in a modified form.

**"inner container"** means the immediate container or wrapper in which a dairy product or an imitation dairy product is packed;

**"inputs"** includes any feed, water, chemicals, reagents, used in connection with the primary production and processing of dairy products;

**"main panel"** means that portion of a container in which a dairy product or an imitation dairy product is packed, and on which the largest depiction of the trade mark used in connection with the sale of that dairy product or imitation dairy product is indicated, and also any other portion of such container on which the depiction of the trade mark concerned is of equal prominence;

**"label"** means any tag, brand, mark, pictorial, graphic or other descriptive matter, which is written, printed, stencilled, marked, embossed, impressed upon, or permanently attached to a container of a dairy product, and includes labelling for the purpose of promoting its sale or disposal;

**"labelling"** means (a) the statutory information which should be placed on packaging of dairy products, as determined by the Board in order to be placed for sale; (b) includes any written, printed or graphic matter that is present on the label, accompanies the food, or is displayed near the food, including that for the purpose of promoting its sale or disposal.

**"levy"** means a fee charged on dairy products, substitutes of dairy products and dairy related products, collected by the Board for the services rendered in the regulation and development of the dairy industry and financing the operations of the Board;

**"license"** means a permit with conditions issued by the Board to a dairy stakeholder to own, use or carry on a trade;

**"licensing authority"** means the designated authority authorized to issue a licence pursuant to these regulations;

**"lot (batch)"** means a quantity of dairy products of the same type processed or packed under essentially the same conditions during a particular time interval generally not exceeding 24 hours, and from a particular processing or packing line or other identifiable processing or packing unit; a definitive quantity of a commodity produced essentially under the same conditions.

**"marine fat"** means fat obtained from marine animals;

**"meeting"** means a meeting of the Board;

**"member"** means a member of the Board;

**"milk"** means-

- (a) the normal lacteal secretion obtained from a dairy or milk producing animal;
- (b) pasteurized or other milk derived from dairy animals but does not include –
  - (i) a milk product, or
  - (ii) condensed or dried milk contained in sealed containers; or
  - (iii) milk which is produced for delivery to a place other than a place in an urban area, but includes milk delivered to a milk purveyor or milk shop, whether inside or outside the urban area, and imported milk;

**"milk solids"** means the dried powder left after all the water is removed from liquid milk;

**"milk treatment"** means the preparation of raw milk, including heat treatment as a precondition for milk processing or consumption

**"modified dairy product"** means a product that, in so far as it relates to general appearance, presentation and intended use, corresponds to a primary dairy product, and of which not more than fifty per cent (50%) of the fat content, protein content and carbohydrate content has respectively been obtained from a source other than a primary dairy product;

**"multipack"** means a container other than an outer container which contains the same or more than one type of dairy product or imitation dairy product containers and is intended to be sold only as a unit;

**"occupier" means -**

- (a) the individual, corporation or other legal entity or any combination of thereof in whose name a registered establishment preparing dairy products as food is registered; and
- (b) in relation to an unregistered establishment means the individual, corporation or other legal entity (or any combination of these) who-
  - (i) is the operator of a business preparing milk and milk products as food; or
  - (ii) if that person cannot be ascertained, the person in charge of the operations for the preparation of milk and milk products as food;

**"official mark"** means any stamp, seal, label or mark that is declared by the regulations, rules, schedules or guidelines to be an official mark.

**"official marking device"** means a device that is capable of being used to apply an official mark and is declared by the regulations to be an official marking device;

**"organic"** means a product which has been produced, processed and handled in compliance with organic standards and certified by a certification body or authority approved by the Board;

**"outer container"** means a receptacle other than a gift pack that contains more than one container of a dairy product or an imitation dairy product;

**"owner"** in relation to any premises or business includes in any case, the -

- (a)
  - (i) occupier; or
  - (ii) person in charge or apparently in charge; or
  - (iii) owner's agent; or
  - (iv) owner's manager; and
- (b) in the case of a body corporate or unincorporated, also includes the manager, secretary or other controlling officer of that body;

**"package"** means anything in or by which food is wholly or partly cased, covered, enclosed, contained or packed;

**"packer"** means a person dealing in the course of trade with a dairy product or an imitation dairy product by processing, manufacturing or packing it for sale, and also a person on behalf of whom such product is processed, manufactured or packed for sale and, in the case

of such product that is imported into the Kingdom in the containers in which it is to be sold in the retail trade and, the person importing it for sale;

***“pasteurization”*** means—

- (a) the process of heating milk to a temperature of between 145 degrees and 150 degrees Fahrenheit, holding the milk at that temperature for a period of thirty minutes after that immediately cooling it to a temperature of between 40 degrees and 50 degrees Fahrenheit; or the high temperature short time process; or
- (b) the time and temperature combination needed to destroy 'target' microorganisms that varies according to a number of complex inter-related factors. For milk, the heating time and temperature is either 63°C for 30 minutes or alternatively 72°C for 15 seconds with rapidly cooling to prevent the growth of surviving bacteria;

***“pasteurize”*** means the heat treatment of a dairy product or an imitation dairy product to such extent that —

- (a) all pathogens and the large majority of the micro-organisms present therein are destroyed without a substantial change in the composition and flavour of the product concerned; and
- (b) in the case of milk, the result of the phosphatase test is negative, and, if the product concerned does not undergo further processing, the cooling thereof to below 5°C immediately after having been thus heat treated;

***“permit”*** means authorization issued by the Board or an official document giving someone authorization and permission to deal in dairy products

***“person”*** includes a body corporate or association and a partnership;

***“poly-unsaturated”*** means is a fatty acid or a fat which has two or more methylene-interrupted cis-double bonds in the fatty acid chain;

***“Postal address”*** means a postal address registered with the Eswatini Post and Telecommunications and shall include the telephone number of the farmer, manufacturer, packer, seller, trader or importer or the address last advised or known by the Board;;

***“pre-packaged”***, means (a) with respect to a dairy product, means a dairy product that is packaged in a container in such a manner that it is ordinarily sold to or used or purchased by a consumer without being repackaged; (b) packaged or made up in advance in a container, ready for offer to the consumer or for catering purposes

***“prescribe”*** refers to the action taken in accordance with sections of the Act;

***“presumptive test”*** means a test the positive result of which invites the presumption that a substance is present after which the presumption must be proven to be true by using more sophisticated and accurate test methods;

***“primary dairy product”*** means milk or a product that has been derived or manufactured solely from milk, and to which has been added no substance other than a permitted manufacturing substance, flavourant, colourant, vitamin or mineral not intended to replace any part of the milk solids in that product, and includes a product that consists of a combination of two or more such products;

***“primary dairy farmer”*** means a person or an organisation that sells raw milk that has been produced by a herd of dairy animals that the dairy farmer owns or controls;

**“processor”** means a business or person who processes or manufactures milk, milk substitutes, milk imitations and milk products in a quality oriented activity into dairy and dairy related products grading, standardisation, designation, classification, packaging, marking and labelling of the products of which will be in accordance with these regulations and other relevant enactments in Eswatini

**“processing aid”** means a substance or material, not including apparatus or utensils, and not consumed as a food ingredient by itself, intentionally used in the processing of raw materials, foods or its ingredients, to fulfil a certain technological purpose during treatment or processing and which may result in the nonintentional but unavoidable presence of residues or derivatives in the final product

**“quota”** means -

(a) a Board imposed trade restriction that limits the quantity, or in certain cases the value, of goods and services that can be produced, imported or exported during a particular time period; or

(b) a portion of supply entitlement allotted to a dairy farmer, processor, trader, retailer in units or value as prescribed by the Board;

**“raw milk”** means milk that has not been pasteurized, sterilised, ultra-high temperature treated or otherwise processed;

**“reconstituted milk product”** means milk or a milk product resulting from the addition of water to the dried or concentrated form of the product in the amount necessary to re-establish the appropriate water to solid ratio, with all reconstituted milk products being clearly labelled as such before being placed for sale;

**“reconstituted dairy product”** means any dairy product such as yoghurt, cheese, UHT milk produced from reconstituted or recombined milk powders and other related ingredients, where the use of fresh milk in the final product falls below a specified percentage to be determined by the Board and all reconstituted dairy products should be clearly labelled as such before being placed for sale;

**“recombined milk product”** means milk or a milk product resulting from the combination of milk-fat and milk-solids-non-fat in their preserved forms with or without the addition of water to achieve the appropriate milk product composition, with all recombined milk products being clearly labelled as such before being placed for sale;

**“registered establishment”** means an enterprise that is registered in accordance with the Act or these regulations issued by the authorized body such as the Eswatini Dairy Board;

**“registration number”** means the number assigned to a registered establishment by the relevant authority under the Act and these regulations;

**“regulated product”** means a dairy product or dairy related product or any combination thereof, as may be determined by the Board in a legal notice, guidelines, schedule or rules;

**“retailer”** means a business or person that sells goods to the consumer, as opposed to a wholesaler or supplier who normally sell their goods to another business;

**“renovated butter”** means butter so labelled, renewed or treated in any manner in premises other than those in which it was manufactured, so as to eliminate any defects and to restore it to a condition resembling creamery butter;

**“safeguard measure”** means a protective action (i.e. restricts imports of a product temporarily) taken by a country to protect a specific domestic industry from an increase in

imports of any product which is causing, or threatening to cause serious injury to the industry;

**“sealed container”** means a container so closed or sealed that access to the contents cannot be obtained without damage to the container;

**“Secretary”** means the officer of the Board who is appointed under section 11 (1) of the Dairy Act;

**“sterilize”** means the heat treatment after packing of a dairy product or an imitation dairy product to such extent that the product concerned will be resistant to microbiological decay for a period of at least 14 days if kept at a temperature of  $30\text{ }^{\circ}\text{C} \pm 1\text{ }^{\circ}\text{C}$ ;

**“trade”** means the activity of buying, selling, or exchanging goods or services between people, firms, companies, institutions or countries, with compensation paid by a buyer to a seller

**“trader” means** a business or person who buys and sells dairy and dairy related products;

**“ultra-High Temperature (UHT)”** means the process whereby a dairy product is subjected to a heat treatment above  $100^{\circ}\text{C}$  and aseptically packaged so that the end product, after incubation for not less than 14 days at a temperature of  $30\text{ }^{\circ}\text{C} \pm 1\text{ }^{\circ}\text{C}$ , is free from spoilage micro-organisms and shall comply with set out requirements;

**“ultra - pasteurized”** means that a dairy product has been thermally processed at a temperature higher than  $80\text{ }^{\circ}\text{C}$  for less than one second and cooled immediately to below  $5\text{ }^{\circ}\text{C}$ , either before or after packaging, so as to produce a product which is resistant to micro-biological growth and spoilage for at least twenty-one days at temperature of higher than  $0^{\circ}\text{C}$  but less than  $5\text{ }^{\circ}\text{C}$  and which comply with requirements set out in applicable statutes in Eswatini;

**“U.H.T. treated”** means the heat treatment of a dairy product or an imitation dairy product during a continuous flow process at an ultra-high temperature, and the aseptic packaging thereof, to such extent that the product concerned will be resistant to microbiological decay for a period of at least 14 days if kept at a temperature of  $30^{\circ}\text{C} \pm 1^{\circ}\text{C}$ ;

**“use-by date”** or “Expiration Date” means the date which signifies the end of the period under any stated storage conditions, after which the product should not be sold or consumed due to safety and quality reasons

**“VAT”** means the value added tax imposed on products in terms of the Value Added Tax Act, 2011;

**“vegetable oil”** means oil or fat that is obtained from vegetable matter;

**“yoghurt”** means the product obtained from pasteurised milk or reconstituted milk which has been inoculated with the yoghurt culture and which is allowed to ferment under controlled conditions; and

**“yoghurt culture”** means a culture consisting of *Lactobacillus bulgaricus*, *Streptococcus thermophilus* or other similar culture used for the manufacture of the primary dairy product known as yoghurt or other cultures as reasonably approved by the Board.

PART II  
PERMITS AND LICENCES

***Permit and Licence.***

3. (1) The Board shall, issue permits and licences to various dairy industry stakeholders for the purposes of creating an efficient, orderly and stable production of products and regulate and develop their distribution and marketing

(2) The Board may issue a permit or licence physically or electronically which may include an electronic signature.

***Application for a dairy permit.***

4. (1) An importer, exporter, or a transitor, distributor, trader shall apply for a permit to the Board by furnishing the following information where applicable-

- (a) the applicant's name and address;
- (b) Eswatini's trading licence;
- (c) the name and address of the supplier of the goods;
- (d) the country of origin of the goods;
- (e) the country from which the goods are imported or exported;
- (f) the customs office where the goods will enter or depart Eswatini;
- (g) the date of entry or exit of the goods in Eswatini;
- (h) a description of the goods;
- (i) the number of units of the goods to be imported or exported and their value in Eswatini currency;
- (j) any information requested by the Board in any case where, in its opinion, the information furnished by the applicant requires clarification or the description of the goods to be imported is not in sufficient detail;
- (k) tax clearance and Tax identity number (TIN);
- (l) export number and certificate for the manufacturer or its equivalence for imports and transit;
- (m) export number and certificate for the distributor or its equivalence for imports and transit;
- (n) export number and certificate for exports;
- (o) market availability (evidence such as the commitment letter for the market); and
- (p) a product recall plan.

***Issue of Permits.***

5. (1) Where a permit is issued, the Board shall -

- (a) affix the signature of the authorized official to the permit; and
- (b) require payment of permit fee.

(2) A person to whom a permit has been issued shall, prior to importing or exporting the goods described in the permit, certify that-

- (a) the information furnished in the application in respect of the permit is correct; and
- (b) the applicant is a registered business.

(3) A permit shall be valid for thirty (30) calendar days or as stated in the permit.

***Permit renewal.***

6. (1) A permit renewal process shall commence seven (7) days before its expiry date.

(2) A permit renewal shall require payment of a levy based on the invoice value or specific duty depending on the current board's notice.

***Lost Permits.***

7. (1) Where a permit has been lost or destroyed, the person to whom it was issued may request for a replacement from the Board and shall, when making the request, submit a statutory declaration or an affidavit containing-

- (a) a statement that the permit has been lost or destroyed and an explanation of the loss or destruction; and
- (b) in the case of a permit that has been lost, an undertaking to return the original permit to the Board without delay, if it is found.

(2) A person to whom subsection (1) applies shall pay a penalty for the lost permit.

***General permit control.***

8. (1) The Board reserves the right-

- (a) not to issue a permit;
- (b) to revoke a permit before the expiry date; and
- (c) to amend the permit where and when the need arises;

(2) A permit may be issued electronically.

(3) A person, including a farmer, processor, distributor, importer, exporter, trader, manufacturer, wholesaler, and retailer shall have the relevant operating licence for operating a dairy business which may include a trading licence or a Board licence.

(4) Payment of fees shall be prescribed by the Board through notices or schedules of fees.

(5) The details and amendments or the conditions of a permit shall be in regulations on permit control to be prescribed.

(6) An application for a permit shall be in the prescribed form that shall include information as stipulated in section 4 above and attached Schedule 1

***Application for a permit issued by other relevant agencies.***

9. (1) The agency responsible may, in accordance with the relevant requirements and any other laws in the country, issue permits for milk and milk products for import, transit or export subject to the recommendation and approval of the board

(2) A person who intends to apply for the issue of a permit in respect of milk or a milk product shall lodge an application to the board and thereafter to the responsible agency or department.

(3) The application shall -

- (a) describe the milk or milk product to be exported or imported;
- (b) identify the exporter or importer of the milk or milk product;
- (c) identify each establishment including the establishments' import or export number at which they are to be prepared;
- (d) be signed by the exporter or importer and the occupier of each such establishment; and
- (e) identify the country to which they are to be exported or imported.

(4) If a permit is granted, the agency shall give each of the persons concerned a written notice or permit subject to the board's approval.

***Requirement for a licence.***

10. (1) A person shall not, directly or indirectly engage in or carry on the business of producing, transporting, processing, distributing or marketing dairy products unless the person is a holder of a valid licence issued by the Board.

(2) A licence issued pursuant to sub-regulation (1) may be subject to such terms and conditions as the Board considers appropriate.

(3) Where the Board is not satisfied that an applicant for a licence is qualified by experience, financial responsibility or equipment to properly conduct the proposed business and that the issuance of the licence is in the public interest, the Board may refuse to grant the licence to the applicant.

### PART III

#### INSPECTOR'S ADMINISTRATIVE POWERS

***Inspectors.***

11. Inspectors may include dairy inspectors, dairy development officers, dairy extension officers or other agencies of the Board.

***Powers of inspectors.***

12. (1) An inspector shall have the power to-

- (a) enter and inspect any premises or conveyance used for producing, processing, conveying or marketing milk or dairy products and inspect anything relevant to the inspection found in the premise or conveyance;
- (b) stop any conveyance that the inspector believes may contain any milk or dairy product and inspect the conveyance and any milk or dairy product found in it;
- (c) obtain a sample of any milk or dairy product at the expense of the owner for the purpose of making an inspection of it; and
- (d) require any person who has the custody or control of any books, records or documents of a person engaged in the producing, processing or marketing of milk or dairy products to produce the books, records or documents or to furnish copies of or extracts from them.

(2) A person, shall produce any books and records or supply extracts when requested to do so by an inspector.

(3) A person shall not-

- (a) hinder or obstruct an inspector in the performance of the inspector's duties;
- (b) refuse to permit the inspector to carry out such duties; or
- (c) refuse to furnish the inspector with information or furnish the inspector with false information.

(4) The production by any person of a certificate of appointment by the municipal Council or the Board to inspect the books, records, documents, equipment and premises of a person engaged in producing, marketing or processing a dairy product shall be accepted by any person engaged in the production or marketing of the dairy product as prima facie proof of such appointment.

(5) Where an inspector believes on reasonable grounds that these Regulations, any order or directive of the Board has been violated, the inspector may seize the dairy product and other things by means of or in relation to which the inspector reasonably believes a violation was committed.

(6) A person convicted of a violation of these Regulations, or an order of the Board may upon conviction, and in addition to any penalty imposed forfeit the products in relation to the violation.

(7) A dairy product or other item detained pursuant to this regulation shall at all times be at the risk and expense of the owner, but the inspector shall immediately notify the owner or person having possession of the product or item by personal service or mail about its detention in storage or otherwise, as the case may be.

## PART IV

### DAIRY FARM OPERATIONS

#### *Dairy farm licence and permit.*

13. (1) A person who intends to operate a dairy farm or establishment shall submit an application to the Board for a licence to operate -

- (a) before commencing operations in the farm; and
- (b) if the dairy farm is not yet constructed or if alterations are required to the dairy farm, before commencing the construction or alterations.

(2) A person who holds a licence to operate a dairy farm and who intends to change any aspect of the licence shall submit an application to the Board to change the licence before implementing such a change.

(3) A person who intends to renew a licence to operate a dairy farm shall submit an application to the Board at least sixty (60) days before the licence expires.

(4) Where applicable, an application for a licence shall include the following information-

- (a) the applicant's name, address, phone number and other relevant contact information;
- (b) curriculum vitae for the management or operators;
- (c) business plan for the project;
- (d) the location or proposed location of the dairy farm;
- (e) the type of dairy farmer establishment for which the licence is sought;
- (f) the species of animal that will produce the milk;
- (g) an estimate of the animal carrying capacity and stocking rate;
- (h) an estimate of the number of animals in the farm;
- (i) an estimate of the volume of milk to be produced;
- (j) market for the milk;
- (k) the sources of animals to be milked at the dairy farm;
- (l) the signature of the applicant, or of the signing officer, as appropriate; or
- (m) an application made under this section shall be in a form provided by the Board.

(5) A license issued by the Board shall include the following -

- (a) licence number;
- (b) licensee's name, address, phone number and other relevant contact information;
- (c) name and address of the dairy farm;
- (d) species of animal that will produce the milk at the dairy farm;
- (e) type of dairy farm approved for operation;
- (f) categorisation of the farm or establishment;
- (g) market for the milk;
- (h) effective date and expiry date of the licence; and
- (i) Board, Chief Executive Officer's or representative's signature.

(6) A licence to operate a dairy farm shall be effective on the date set out in the licence and expires on the -

- (a) date set out in the licence; or
- (b) day of the fifth anniversary or (5) years after the effective date.

(7) The fee for a licence to operate a dairy farm shall be stipulated in the published schedule as prescribed by the Board from time to time.

(8) If the licence to operate a dairy farm expires on a day other than the anniversary of the licence's effective date, the Board may prorate the licence fee that is payable for the period from the effective date, or the last anniversary of the licence's effective date, until the expiry date.

(9) A person shall not operate a dairy farm except in accordance with a licence from the Board.

(10) A licence to operate a dairy farm shall be subject to the following conditions-

- (a) the licence holder shall ensure that the milk at the dairy farm is produced from the species specified in the licence;
- (b) the licence holder shall ensure that the dairy farm being operated is the type specified in the licence;
- (c) the licence holder shall not commit an offence shall related to dairy activities such as stock-theft, under declaration of products or poor animal welfare standards;
- (d) the licence holder shall not permit an employee to work in the dairy farm while the employee has a communicable disease;
- (e) the licence holder shall ensure that every employee working in the dairy farm wears outer clothing that is clean and light in colour;
- (f) the licence holder shall ensure that a person in a supervisory position attends a minimum relevant course;
- (g) the licence holder shall apply for a private dipping permit from the Ministry of Agriculture;
- (h) the licence holder shall carry on business in accordance with the law, with honesty and integrity and with regard to the public interest;
- (i) the licence holder shall observe, perform and carry out the provisions of the Act, the regulations, and all orders of the Board;
- (j) the licence to operate a dairy farm is not transferable.
- (k) the licence holder shall have a dip tank name and number and a public dipping exemption from the Ministry of Agriculture; and
- (l) the licence holder shall ensure that consumption of raw milk is not allowed.

***Suspension or revocation of a dairy licence.***

14. The Board may, after a hearing, suspend or revoke a licence issued if the licence holder fails to comply with a condition of the licence.

***Refusal to issue or renew a licence.***

15. (1) The Board may refuse to issue or renew a licence for the operation of a dairy farm, where-

- (a) the applicant is not qualified by experience, personnel or equipment to properly engage in the business for which the application was made;
- (b) the applicant fails to observe, perform or carry out the requirements of the Act, the regulations, a plan, an agreement, award, or an order of the Board;
- (c) in the opinion of the Board, any material representation or information made or provided by or on behalf of the applicant is false or misleading;
- (d) the applicant does not comply with the relevant trading and tax regulations;
- (e) in the opinion of the Board, the issuance or renewal of the licence is not in the public interest having regard to the past conduct of the applicant or, where the applicant is a corporation, of its officers or boards;
- (f) in the opinion of the Board, the past conduct of the applicant or where the applicant is a corporation, of its officers or boards, affords reasonable grounds for belief that the business will not be carried on in accordance with law or with honesty and integrity; or
- (g) the applicant or, where the applicant is a corporation, any officer, Board or servant thereof, or any person who is or will be in any way associated with the applicant in the operation of the business, has contravened or has permitted any person under their control or direction in connection with the business to contravene any provision of the Act or these Regulations or of any other Act any law of any jurisdiction applying to the carrying on of business and, in the opinion of the Board, such contravention warrants the refusal to issue or renew the licence.

(2) Where the Board is of the opinion that the dairy farm is not necessary or desirable, the Board shall have regard to -

- (a) the environmental impact assessment and other environmental issues, in which the dairy farm is located;
- (b) the impacts on the facilities of other dairy farms in operation;
- (c) the interests of the market that would be served by the dairy farm;
- (d) the conditions and policies governing both the milk supply in Eswatini and the allocation of milk to the market; and
- (e) the socio-economic impacts resulting from a decision to grant a licence, including direct and indirect economic activity, both in the locality in which the dairy farm is located and in other parts of the country.

(3) Before the Board refuses to issue or renew a licence, it shall within a reasonable period -

- (a) give the applicant notice that the applicant may request a hearing before the Board; and

- (b) if a request for a hearing is made, hold a hearing within a reasonable period of time.

***Permit to construct or alter an existing dairy farm.***

16. (1) A person who holds a licence to operate a dairy farm and who intends to construct or alter a building intended for use as a dairy farm or intends to make alterations to an existing dairy farm, shall submit an application to the Board for a permit to construct or alter the building or dairy farm before commencing the construction or alterations.

(2) The application for the permit shall include all the information required under Section 13 above and two copies of drawings and specifications of the proposed construction or alteration, one copy to be retained by the Board and the second copy to be returned to the applicant.

(3) An application for a permit or licence shall be in the prescribed form that shall include information as stipulated in section 13 above.

(4) A permit to construct or alter a building intended for use as a dairy farm shall be issued subject to the condition that the -

- (a) dairy farm is located on land that is well drained and readily accessible;
- (b) building being constructed or altered or the dairy farm being altered has a supply of clean, fresh water, and has facilities for disposal of sewage sufficient for the purposes of the operation of the dairy farm as constructed or altered;
- (c) construction or alteration of the building or alteration of the dairy farm is carried out in accordance with the drawings and specifications submitted with the application; and
- (d) applicant has complied with the municipal by-laws and the Acts and regulations applicable to the construction or alteration being made.

(5) A dairy farmer shall not sell or offer to sell milk that is not produced, handled and stored in accordance with these Regulations.

***Penalties on contravening the licence conditions.***

17. The Board may impose a penalty after determining that a licensee or former licensee has contravened any condition of a licence.

***Surrender of License.***

18. Where the holder of a licence to operate a dairy farm ceases to carry on the business for which the holder is licensed, the holder shall forthwith surrender the licence to the Board.

***Health of the dairy animals.***

19. (1) A person shall not allow an animal that is infected with a disease or suffering from an illness that adversely affects the animal, the quality or flavour of the milk or cream produced, to come into contact with animals from which milk is obtained for sale.

(2) A person shall not keep on premises used in connection with producing, handling, storing or transportation of milk or cream, an animal that is infected with a disease or suffering from an illness.

(3) A dairy farmer shall not sell or offer for sale milk that is obtained from an animal, in the period of fifteen days before or in the period of three days after parturition or such longer period as is required to ensure that the milk is colostrum-free.

(4) Withdrawal period for medications and other substances shall be observed as per the manufacturer's prescription.

(5) A person shall not sell milk from an animal that-

- (a) is not in good physical condition and free from any illness or disease that adversely affects the quality or flavour of the milk or cream;
- (b) is not clean, has an objectionable flavour or odour;
- (c) shows evidence of being watery, flaky, stringy, bloody, thick or adulterated;
- (d) shows evidence of coagulation or contains any foreign substance;
- (e) has an abnormal freezing point;
- (f) contains an inhibitor, or when tested by an official method at a laboratory approved by the Board is a mixture of milk from two different species of animals; or
- (g) is produced in an unsanitary manner.

(6) Animals in a stables, kraals or camps shall be kept clean, the hair on udders, flanks and tails above the switch of the animals shall be kept short, the switch of an animal's tail shall clear the floor when the animal is standing and immediately before the time of each milking of an animal, the udder shall be cleaned.

### ***Quality of the milk.***

20. (1) A dairy farmer shall not sell or offer for sale milk that-

- (a) shows evidence of melted or churned fat floating on the surface of the milk;
- (b) has had any part of the milk fat removed that has not been cooled in a farm bulk tank in proper working condition so that it cools milk to a temperature of 4°C or lower within two hours of milking and maintains milk at a temperature not lower than 1°C nor higher than 4°C except in a period of two hours after milking; or
- (c) that has not been filtered by means of a single-service filter or a stainless-steel mesh-type filter approved by the Board.

(2) A dairy farmer shall not sell or offer for sale cream separated from milk that has not been filtered by means of a single-service filter or a stainless-steel mesh-type filter approved by the Board.

(3) A person shall not feed any substance that causes the animal's milk to give off an objectionable odour or to have a taste or appearance other than that of normal milk or cream.

(4) A person shall not remove or cause to be removed anything from, add or cause to be added, anything to milk as it is produced.

(5) Milk to be found in a milk house may be cow's milk or goat's milk, but the milk of both species may not both be stored in the same bulk tank

***Farm buildings and premises.***

21. (1) A dairy farmer shall keep all buildings or premises where animals are stabled or milked-

- (a) clean and in a sanitary condition as free as possible from flies, other insects, and dust; and
- (b) adequately lighted and ventilated sufficiently to prevent odours from affecting the milk or cream.

(2) All walls, ceilings, partitions and other parts of a stable shall be whitewashed, painted or cleaned at least once a year and be kept clean.

(3) Where milking parlours are used, the parlour shall be partitioned off from the stable or loafing area and animal entrance and exit doors shall be self-closing and shall be kept closed between milking.

(4) Concrete or similar water-resistant materials shall be used for floors, ramps and platforms, which shall be adequately sloped to trapped covered floor drains that are capable of draining any liquids from the parlour to a location outside the parlour.

(5) Sufficient area shall be provided to perform the normal duties of preparing and milking the animals.

(6) Walls and ceilings shall have smooth surfaces and walls shall be water-resistant to liquids for a reasonable distance from the floor.

(7) Screens shall be provided to prevent the entrance of insects and adequate lighting shall be provided in order that the dairy farmer has good visibility of the udders while milking.

(8) Adequate hoses, nozzles, water supply and cleaners shall be provided to maintain the parlour in a sanitary state, and proper ventilation and heating shall be provided.

(9) A dairy farmer of milk shall not permit animals other than of the milking group such as the bovine or caprine genus or any species approved by the board in any part of a stable used for the stabling or milking of animals.

(10) A dairy farmer shall keep all parts of the premises clean, except for loafing-type stables, and free from accumulations of manure and refuse.

(11) A dairy farmer shall store or dispose manure so as to be inaccessible to animals and so as to minimize run-off and the breeding of flies.

(12) A dairy farmer shall ensure that the milk house is attached to or adjacent to buildings where animals are milked.

(13) A milk house shall be in a location that-

- (a) ensures good drainage and freedom from contamination;
- (b) is accessible for tank-truck pick-up and loading;
- (c) has clear space sufficient for washing, cleaning, rinsing and storing milking equipment and utensils;

- (d) has a floor capable of supporting, without sagging or heaving the cooling and storing facilities for milk and the milking equipment and that the floor has a smooth surface that is impervious to liquids and that has adequate slope towards the floor drain;
  - (d) has one or more drains that –
    - (i) can be maintained in a sanitary condition;
    - (ii) are in an open position located in the floor of the milk house at least sixty (60) centimetres from the outlet of each farm bulk tank with a diameter of at least ten (10) centimetres; and
    - (iii) are capable of draining any liquids from the floor in a manner approved by the Board;
  - (e) has walls with smooth surfaces, impervious to liquids, extending for a reasonable distance from the floor;
  - (f) is lighted sufficiently for the carrying out of all operations therein, including visual inspection of the milk in each farm bulk tank;
  - (g) is provided with at least one door to the outside and, where it has a door opening into the milking area, such door shall be solid and tight-fitting;
  - (h) has all doors, including the door into the milking area, equipped with a self-closing device and such doors shall be kept closed;
  - (i) is provided with screens for all windows and other openings sufficient to prevent entry of insects;
  - (j) has walls and a roof insulated to prevent condensation upon the inside walls and ceilings except such condensation as is caused by steam or hot water used in the milk house;
  - (k) is properly ventilated;
  - (l) is provided with a sink having two compartments;
  - (m) is provided with adequate amounts of hot and cold potable water under adequate pressure; or
  - (n) is provided with a water hose with attached nozzle for rinsing each farm bulk tank, the bulk tank shall be provided with a milk hose transfer-port that shall be, located near the outlet valve on each farm bulk tank, maintained in good condition, equipped with a self-closing device, and used only for the passage of hose in the transfer of milk from a farm bulk tank to the tank-truck;
- (14) A milk house shall be -
- (a) kept neat, clean and reasonably free from insects at all times;
  - (b) used only for, cooling and storing milk, storing milking equipment and utensils, and washing and sanitizing milking equipment and utensils; and
  - (c) maintained so as not to impede the bulk tank milk grader in the performance of duties.
- (15) A dairy farmer shall not permit an animal or fowl to enter a milk house.

(16) The farm bulk tanks shall be situated in the milk house so that its milk can be transferred to the tank-truck by the bulk tank grader on one stop using a standard tank-truck hose.

(17) A dairy farmer shall not use milking equipment or utensils that are not rinsed with lukewarm water and thoroughly cleaned and sanitized before each milking. (18) A dairy farmer shall provide and maintain in good condition and state of repair milking equipment and utensils for the producing, handling and storing of milk.

(19) A dairy farmer shall not use utensils that are not in good condition and are not cleaned or sanitized before and after milking.

(20) A dairy farmer shall provide equipment and materials necessary to clean, rinse and sanitize milking equipment and utensils.

(21) A dairy farmer shall not -

- (a) use milking equipment or utensils for the production, handling, storage or transportation of milk if the milking equipment or utensils are made of materials that, adversely affect the flavour of milk or cream that comes into contact with them;
- (b) have rough surfaces or surfaces not easily cleaned;
- (c) have joints not flush with the surfaces; and
- (d) have open seams, cracks or exposed threads.

(22) A person shall not use essential farm equipment that does not comply with the manufacturers' specifications.

(23) All electrical outlets shall be of adequate capacity with the on and off switch located in the milk house and there shall be a receptacle of a twist-lock design located on the outside of the milk house at a point convenient to the tank-truck dairy farmer.

(24) A milk house shall be equipped with -

- (a) a refrigeration unit capable of -
  - (i) cooling milk in the tank to a temperature of 10°C or lower within one hour after the completion of milking, and 4°C or lower within two hours after the completion of milking, except within a period of two hours after the completion of milking;
  - (ii) maintaining a temperature of milk in the tank not higher than 4°C while milk remains in the tank; and
  - (iii) maintaining a temperature of milk in the tank not lower than 1°C at any time while milk remains in the tank;
- (b) an agitator capable of agitating milk in the tank, without splashing or churning, so that the milk is thoroughly mixed in five minutes; or
- (c) a measuring device by which the volume of milk in the tank may be accurately determined.

(25) A dairy farmer shall install and maintain as many time temperature recorders as necessary to monitor the farm bulk tanks and pipelines.

(26) A dairy farmer shall maintain a computer program or a milk chart for the management of the farm and animals.

***Health of farm employees.***

22. (1) A person shall not milk unless that person has washed hands immediately before milking and keeps hands clean during milking.
- (2) A person shall not milk an animal or handle milking equipment or utensils that come into contact with milk or cream unless that person is in good health, free from any communicable disease, cleanly dressed, and personally clean at each time of milking and of handling milk, cream and utensils.

***Operational hygiene.***

23. (1) Milk and milk products shall be -
- (a) prepared at an establishment where there is compliance with the applicable requirements of operational hygiene; and
  - (b) transported to and from establishments engaged in the preparation of the milk and milk products using vehicles and equipment that comply with the applicable requirements of operational hygiene.

***Record keeping requirements.***

24. (1) A person shall, in record keeping - -
- (a) retain a copy, and submit the original copy to the relevant authority, of each import, transit or export permit issued by a person designated under the approved arrangement;
  - (b) retain a copy of transit permit issued where applicable; and
  - (c) retain a copy of each application for an import or export permit for all milk and milk products to be imported or exported.
- (2) A person to whom this regulation applies shall retain the following-
- (a) a declaration of compliance that relates to milk and milk products imported or exported or in transit;
  - (b) the permit given by the Board;
  - (c) any Governments permits obtained; and
  - (d) all other documents that are relevant to whether the person complies with the requirements of the Act and these Regulations for a minimum period of three years after the day the document is made by the person or comes into the person's possession as the case may be. Details are in the attached Schedule 9

**PART V****ANIMAL HEALTH RISK ASSESMENT*****Animal health risk assessment.***

25. (1) A dairy farmer shall ensure that a veterinarian licensed with the Eswatini Veterinary Council attends the dairy farmer's premises at least quarterly to perform a livestock health risk assessment or herd health assessment program of the dairy farmer's herd.

(2) When doing the assessment, the veterinarian shall conduct a review of the general herd health program, production and health status of the animals and the general conditions of the farm.

(3) The dairy farmer shall keep the completed assessment report which shall duly be signed by the veterinarian, on the dairy farmer's premises for at least three years after the date of the assessment.

(4) The veterinarian and the farmer may provide a copy to the Board on request or when necessary.

## PART VI

### TRANSPORTING MILK AND MILK PRODUCTS

#### *From the farm to the processing plant.*

26. (1) A person shall not operate a tank-truck for the transportation of milk, except-

- (a) a tank-truck equipped with a tank with an inside lining of stainless steel, an insulated dust-tight cabinet constructed of stainless steel for the holding of milk hose, a pump and other equipment used in transferring milk to or from the tank-truck;
- (b) an insulated dust-tight cabinet for the holding of samples of milk and a means by which the samples are maintained at a temperature of not less than 1°C and not more than 4°C;
- (b) a hose that has smooth surfaces, is readily cleaned, is not toxic and does not affect the flavour of milk that comes in contact with the hose; and
- (c) a spray-ball equipment for cleaning and sanitizing, by means of the continuous circulation of a cleaning fluid and a sanitizing fluid, all surfaces that come in contact with milk.

(2) Before transferring any milk from a farm bulk tank to a tank-truck, a bulk tank milk grader shall examine and take the temperature of the milk in the farm bulk tank to determine if the milk ought to be rejected.

(3) A bulk tank milk grader shall take the temperature of a cow's milk as follows -

- (a) the temperature of the milk shall not be taken until the agitator has been in operation for at least two minutes or such longer period of time as is necessary for the milk to be thoroughly mixed;
- (b) the temperature shall be taken a first time, by reading the temperature displayed on the time temperature recorder for the bulk tank;
- (c) with an accurate hand thermometer with a stainless steel stem supplied by the bulk tank milk grader if the time temperature recorder for the bulk tank has not displayed the temperature at the time the milk is picked up from the bulk tank; (d) if after examining milk or taking the temperature of the milk the bulk tank milk grader determines that the milk shall be rejected he shall refuse to transfer the milk or, if the transfer has already begun, cease to transfer the milk and shall attach to the

tank a rejection tag showing the reason for the rejection notify the farmer and the processor as soon as possible;

- (e) determine the volume of the milk in a tank shall be determined before transferring milk from the bulk tank;
- (f) the bulk tank milk grader, when recording the volume of milk in a farm bulk tank shall not record a volume in excess of that for which the tank has been calibrated or for which the gauge rod or other measuring device has been graduated;
- (g) the bulk tank milk grader shall, immediately after determining the volume of the milk in a farm bulk tank, make a report to the dairy farmer showing, the date, the volume of milk in the tank, the reading of the gauge rod or other measuring device, and the temperature of the milk determined;
- (h) immediately after determining the volume of the milk in a farm bulk tank, the bulk tank milk grader shall start the agitator;
- (i) after the agitator has been in operation for at least two minutes or much longer as may be necessary for the milk to be thoroughly mixed, the bulk tank milk grader shall take a sample of the milk with a sampling pipette or, if a sampling pipette cannot be used, a sanitized long-handled dipper;
- (j) a sample of milk taken shall be in the amount that is necessary to permit sample testing and approved by the Board and shall be placed into a clearly labelled container and the bulk tank milk grader shall place each sample of milk, other than goat's milk, taken into a container which shall be closed and clearly identified with a unique number so that the sample can be associated with the dairy farmer's licence and the bulk tank from which the sample was taken;
- (k) the bulk tank milk grader shall place each sample of milk taken under sub-regulation (5) into a container which shall be closed and clearly marked with the name or number of the dairy farmer of the milk;
- (l) immediately after putting the samples of milk into a container the bulk tank milk grader shall place each container into a plastic insert that is filled with a mixture of ice and water and that is held in a clean, fully insulated carrying case;
- (m) after transferring the milk from a farm bulk tank to a tank-truck the bulk tank milk grader shall rinse the farm bulk tank with cold or lukewarm water from the hose with attached nozzle provided by the dairy farmer;
- (n) where the bulk tank milk grader is unable to transfer all the milk from a farm bulk tank to a tank-truck, he shall, on the same day, return for the rest of the milk or notify the farmer that he is unable to return;
- (o) the bulk tank milk grader shall provide enough ice to fill the plastic insert and shall keep each sample of milk refrigerated therein until it is placed in a refrigerated sample cabinet at a sample storage depot;
- (p) as soon as possible, but no later than 24 hours after the sample was taken, the bulk tank milk grader shall place the sample in a sample rack, mark the rack in a manner approved by the board and place the rack in a refrigerated sample cabinet and until the sample is tested, it shall be maintained at a temperature not lower than 0°C and not higher than 4°C; and
- (q) a person shall not put into a sample of milk, any foreign substance or any milk other than milk from the same dairy farmer.

(4) A sample storage depot shall contain a segregated area with enough room to label sample racks and store samples for five days and shall be equipped with adequate mechanical refrigeration capacity for sample storage, an impervious table top for labelling sample racks, adequate lighting and ventilation, a source of ice, storage facilities for sample containers, labels, sample racks and pipettes in numbers satisfactory to the Board and each sample cabinet equipped with a device that logs and indicates time and temperature.

(5) An owner of a sample storage depot shall maintain the area, in a clean and orderly manner and samples shall be kept in a sample storage depot and shall be available for pick-up and transport to a laboratory 24 hours a day or during the hours approved by the Board for each sample storage depot.

(6) An owner of a sample storage depot shall keep for a period of ninety days official receipts in a form approved by the Board showing the date and time, the number of sample racks picked up, the number of special samples and the signature of the person picking up the sample racks.

(7) An operator of a tank-truck shall, immediately after each load is emptied, thoroughly clean and sanitize all surfaces of the tank-truck that come in contact with milk and where more than one load of milk is emptied from a tank-truck in any one day, the tank-truck driver shall, immediately after the last load of milk is emptied, thoroughly clean and sanitize all surfaces of the tank-truck that come in contact with milk.

***From the processing plants to the consumers.***

27. A Manufacturer, processor, distributor, importer, exporter, trader shall have appropriate transport for milk and milk products and shall submit names of their registered and approved transporters to the Board.

***Preparation of a product for trade purposes.***

28. (1) Milk and milk products shall-

(a) be prepared; and

(b) transported from an establishment engaged in the preparation of the product.

(2) Milk and milk products and their ingredients shall comply with the applicable requirements of product standards and attached relevant schedules.

(3) Milk and milk products shall not be tradeable unless they are fit for human consumption.

(4) Milk and milk products shall comply with the applicable requirements in the relevant attached schedules and Notices as prescribed from time to time.

(5) Milk and milk products shall be prepared in an establishment that complies with the applicable requirements that include product identification, tracing systems, integrity and transfer.

**PART VII**

## CLEANING, SANITIZING, EQUIPMENT AND UTENSILS

### *Cleaning and sanitizing.*

29. (1) Any part of a plant, except raw milk storage tanks including piping, pumps, containers, tanks and other equipment that is in contact with or likely to be in contact with milk or milk products shall be cleaned and sanitized at least once every twenty-four hours and that a cleaning schedule shall be drawn up, be visible and be adhered to.

(2) Raw milk storage tanks shall be emptied, cleaned and sanitized at least once every forty-eight hours.

(3) The floor of each room in a plant in which milk or milk products are handled or processed shall be scrubbed and rinsed with fresh water at least once every twenty-four hours.

(4) The walls and ceilings of each room in a plant, in which milk or milk products are handled, processed or stored and the floor of each room in a plant in which milk or milk products are stored shall be scrubbed and rinsed at such times as may be necessary to remove any noticeable accumulation of soil.

### *Cleaning and sanitizing a work station.*

30. (1) The cleaning and sanitizing work station or a milk transfer station of a work station or a milk transfer station shall be carried out at a in a manner that ensures that -

- (a) after each cleaning and sanitizing of a work station, the operator of the station shall –
  - (i) determine by inspection that the station is clean and sanitised and
  - (ii) keep a record of such cleaning and sanitising in a form approved by the Board and retain that record for a period of ninety days;
- (b) where the pick-up of a load of milk is not completed in one day, the operator of the tank-truck or containers shall thoroughly clean and sanitize and hose after the final pick-up on the first day or prior to use on the second day;
- (c) every operator shall maintain in a clean condition all surfaces that do and do not come in contact with milk.
- (d) every plant is be equipped with or the operator has adequate work station;
- (e) equipments and materials for cleaning and sanitizing is made available by the processor of a plant;
- (f) the processor shall be responsible for safe and proper functioning of work stations;
- (g) the uses of a tank-truck or milk containers wash station and the equipment and materials at a plant are restricted to cleaning and sanitizing the interior of tanks and equipment thereon and washing the outside of tank-trucks;
- (h) processors post on the wall of the facility in a prominent place the procedure to be used for cleaning a tank-truck or milk containers including, the quantities of washing compound and water used in the washing cycle and the maximum and minimum water temperatures used in the washing cycle;

- (i) the length of time used in the washing cycle, the quantities of sanitizer and water used in the sanitizing cycle comply with the drawn cleaning schedule in the work station;
  - (j) the manufacturer's names for the washing and sanitizing compounds used the instructions as to the procedures to be used in operating the equipment for cleaning; and the name of and the procedure for contacting the person to be contacted in the event of equipment failure or other information being required to operate the wash-up facilities;
  - (k) the temperature of the water used in the washing cycle shall not be higher than 60°C or lower than that recommended by the manufacturer of the washing compound; and
  - (l) the temperature of the water used in the sanitizing cycle shall not be higher than, the temperature of the cold-water supply; 10°C whichever is less;
- (2) Information regarding the use of acidified wash or rinse shall be posted in addition to the information required.
- (2) A work station shall have -
- (i) clear space sufficient for cleaning and sanitizing a floor that is capable of supporting plant and equipment without sagging or heaving;
  - (ii) a smooth surface that is impermeable to liquids and has a minimum two (2%) per cent slope towards the floor drain that can be maintained in a sanitary condition located in the floor in an open position with a diameter of at least fifteen (15) centimetres and that is capable of draining any liquids from the floor;
  - (iii) under pressure, an adequate supply of potable hot and cold water;
  - (iv) a means of lifting the wash hose safely to the top;
  - (v) an adequate supply of materials required for cleaning and sanitizing and a properly-functioning device for indicating washing compound content;
  - (vi) a pump with sufficient capacity and pressure to thoroughly clean all surfaces that come in contact with milk, a return pump with a capacity equal to or greater than the capacity of the pump to remove the cleaning solution;
  - (vii) in the wash line on the suction side of the pump, a removable pump filter which does not materially impede the flow of wash water; and
  - (viii) adequate means of sanitizing all surfaces that come in contact with milk.

### ***Cleaning Equipment***

31. (1) A plant shall be equipped with -
- (a) washing areas that are separated from the processing area;
  - (b) a temperature-control system capable of automatically controlling the temperature in each curing-room, cold-storage room or storage room for efficient processing or preserving of milk or milk products;
  - (c) a boiler or other equipment capable of maintaining a supply of hot water or steam sufficient for processing milk and cream, and hot water for cleaning and sterilizing the equipment and rooms used in receiving, handling, processing or storing milk or milk products; and

- (d) thermometers of shatter-proof material on equipment used in processing, cleaning or sterilizing milk or milk products, capable of recording the temperature of the milk or milk product.
- (2) A processing plant shall be equipped with a pasteurizer having a capacity to handle the production demand.
- (3) Where a plant is equipped with conveyors for moving containers of cream in the receiving room, the conveyors shall be of sufficient length and in such locations that the cream can be readily graded, sampled and weighed and, where cream is rejected, the containers can be moved on a conveyor other than the conveyor used for incoming containers.
- (4) Where equipment or containers for handling, processing or storing milk or milk products are of metal, the surfaces likely to come in contact with milk or milk products shall be-
  - (a) smooth and anti-corrosive;
  - (b) without open seams;
  - (c) accessible at all points for scrubbing; and
  - (d) made with joints that are flush with adjoining surfaces.
- (5) Wooden equipment used in a plant shall be of sound material with smooth surfaces, and joints or seams shall be sealed.
- (6) Tanks used for storing skim-milk, buttermilk or whey that is not intended for human consumption or for processing milk into milk products for human consumption in a plant shall-
  - (a) be of metal or plastic construction; and
  - (b) not be used for any other purpose.

## PART VIII

### MANUFACTURING AND PROCESSING

#### ***Processing and processing principles.***

- 32. (1) The handling, processing or storing of milk, cream or milk products shall be carried out in a location and in such a manner that no foreign matter can enter the milk, cream or milk product.
- (2) A person who enters an area of a plant where there is a danger that foreign matter may enter milk, cream or milk products shall wear-
  - (a) clean clothing without pockets and buttons above the waist and not worn outside the plant; and
  - (b) appropriate hair and beard coverings.

(3) Nothing shall be placed in a milk, cream or milk products storage area that may contaminate or deteriorate the milk, cream or milk products stored in that area.

(4) The owner of a plant shall ensure that the plant has no odours other than those resulting from the handling, processing or storing of milk, cream or milk products.

(5) Where milk or cream is accepted at a plant and is not used in processing on the day it is received, the milk or cream shall be cooled to a temperature not higher than 5°C and maintained in storage at that temperature until it is used in processing.

(6) A person shall not use milk or cream in storage in the processing of a milk product where the milk or cream on removal from storage does not meet the standards required for milk or cream to be accepted at the plant.

(7) A person shall not use stale or rancid cream, butter, ice cream or ice milk in the preparation of ice cream mix or ice milk mix or in the processing of ice cream or ice milk.

(8) In order to promote sales and marketing in the country and beyond the borders, dairy processors, distributors and retailers may meet to discuss contract packaging.

***Plant licences and permits.***

33. (1) A person who intends to operate a plant shall submit an application to the Board for a licence to operate the plant -

- (a) before beginning to operate the plant; and
- (b) if the plant is not yet constructed or if alterations are required to the plant, before commencing the construction or alterations.

(2) A person who holds a licence to operate a plant and who intends to change any aspect of the licence shall submit an application to the Board to change the licence before implementing such a change.

(3) A person who submits -

- (a) an application for a licence to operate a plant that is not yet constructed or that requires alterations; or
- (b) an application to change a licence, if the change would require that a plant to undergo construction or alterations,

shall, at the same time, submit an application for a permit as stated in these Regulations.

(4) A person who intends to renew a licence to operate a plant shall submit an application to the Board at least 60 days before the licence expires.

(5) An application for a licence shall include the following information-

- (a) the applicant's name, address, phone number and other relevant contact information;
- (b) a curriculum vitae for the management or operators;
- (c) a business plan for the project;
- (d) confirmation of the market for the dairy and dairy related products;
- (e) the location or proposed location of the plant;
- (f) the type of plant for which the licence is sought and, in the case of a processing plant, the kinds of processing activities to be carried out at the plant;

- (g) a list of the milk products to be processed at the plant;
  - (h) the species of animal that will produce the milk to be processed at the plant;
  - (i) an estimate of the volume of milk to be processed at the plant;
  - (j) the source of milk to be processed at the plant; and
  - (h) the signature of the applicant or of the signing officer, as appropriate.
- (6) An application made under this regulation shall be in a form prescribed by the Board and -
- (a) the Board shall issue a licence to operate a plant to a person who applies in accordance with these Regulations;
  - (b) approval may not be unreasonably withheld; and
  - (c) in the event that a licence is refused, reasons for refusal shall be provided as well as reasonable corrective action.
- (7) The licence shall set out-
- (a) the licence number;
  - (b) the licensee's name, address, phone number and other relevant contact information;
  - (c) the name and address of the plant;
  - (d) the species of animal that will produce the milk to be processed at the plant;
  - (e) the type of plant approved for operation and, in the case of a processing plant, the kinds of processing activities approved to be carried out at the plant;
  - (f) in the case of a processing plant that will process cow's milk, the classes or sub-classes of grades, standards, designations, classes, packing and marking made under these regulations;
  - (g) the effective date and expiry date of the licence; and
  - (h) the Board's signature.
- (8) A licence to operate a plant shall be effective on the date set out in the licence and expires on the date-
- (a) set out in the licence; or
  - (b) five (5) years after the effective date.
- (9) The fee for a licence to operate a plant shall be provided for in the notices or Schedules of fees to be issued from time to time.
- (10) If the licence to operate a plant expires on a day other than the anniversary of the licence's effective date, the Board may prorate the licence fee that is payable for the period from the effective date, or the last anniversary of the licence's effective date, until the expiry date.
- (11) A person shall not operate a plant except in accordance with a licence from the Board which is subject to the following conditions-
- (a) the licence holder shall ensure that the only milk processed at the plant is milk produced by the species specified in the licence;

- (b) the licence holder shall ensure that the plant being operated is the type of plant specified in the licence and, in the case of a processing plant, the plant carries out only the kinds of processing activities specified in the licence;
- (c) in the case of a licence to operate a plant that processes cow's milk, the licence holder shall ensure that milk products processed at the plant are well graded, labelled and packaged;
- (c) the licence holder shall not permit an employee to work in the plant while the employee has a communicable disease;
- (d) the licence holder shall ensure that every employee working in the plant wears clothing that is clean;
- (f) the licence holder shall ensure that any person who grades milk received at the plant is the holder of a certificate for that purpose from an institution recognised by the Board;
- (g) the licence holder shall carry on business in accordance with the law, with honesty, integrity and with regard to the public interest and safety;
- (h) the licence holder shall observe, perform and carry out the provisions of the regulations, all plans, agreements and awards and all orders of the Board and other relevant bodies;
- (i) the plant shall be Hazard Analysis & Critical Control Points (HACCP) compliant as determined by the national, regional or international standard setting bodies that are recognized by the Board;
- (k) the plant depending on the size, market requirement and the request from the Board may be ISO complaint mainly in quality management systems, environmental management system to be stipulated by the Board and the market;
- (l) the plant shall have an Eswatini Government (ESG) Number for exports;
- (m) a licence to operate a plant is not transferable; and
- (n) the Board may recognize provisional and interim accreditation given by any Board's approved standard setting bodies.

(12) An application for a license shall be in the prescribed form that shall include information as stipulated in section 33 above. Furthermore, the Board may impose conditions on a licence to operate a plant in addition to those set out in section 33 above

(13) The Board, after a hearing, may suspend or revoke a licence issued if the licence holder fails to comply with any condition of the licence.

(14) If the Board receives an application in respect of a licence to operate a plant at which cow's milk is to be processed, the Board shall not issue the licence unless the applicant first complies with the process described in these Regulations.

(15) The Board may refuse to issue or renew a licence for the operation of a plant, where-

- (a) the applicant is not qualified by experience, personnel or equipment to properly engage in the business for which the application was made;

- (b) the applicant fails to observe, perform or comply with the requirements as stated in the attached schedule, a plan, an agreement or an award or an order of the Board;
- (c) in the opinion of the Board, any material representation or information made or provided by or on behalf of the applicant is false or misleading;
- (d) the applicant has not complied with the Value Added Tax Act, trading laws and these Regulations;
- (e) in the opinion of the Board, the issuance or renewal of the licence is not in the public interest having regard to the past conduct of the applicant;
- (f) in the opinion of the Board, the past conduct of the applicant or, where the applicant is a corporation, its officers or board, affords reasonable grounds for belief that the business will not be carried on in accordance with the law or with honesty and integrity;
- (g) the applicant has contravened or has permitted any person under their control or direction in connection with the business, to contravene any provision of the Act or of any other law which in the opinion of the Board, such contravention warrants the refusal to issue or renew the licence;
- (h) the Board is of the opinion that the plant is not necessary or desirable having regard to-
  - (i) the environmental impact assessment;
  - (ii) the impacts on the facilities to other plants in operation;
  - (iii) the interests of consumers, who would be served by the plant;
  - (iv) the conditions and policies governing the milk, dairy and dairy related products supply in the country; or
  - (v) the socio-economic impacts resulting from a decision to grant a licence, including direct and indirect economic activity, both in the locality in which the plant is located and in other parts of the country.

(16) The Board shall, before refusing to issue or renew a licence -

- (a) notify applicant of option to request a hearing before the Board; and
- (b) if a request for a hearing is made, hold a hearing.

(17) Where, after a hearing, the Board has determined that a licensee or former licensee has contravened any condition of a licence or any provision of the Act, order or direction of the Board, the Board may impose a penalty on the person as stated in the offences and penalties section.

(18) A dairy farmer who operates more than one plant is required to be the holder of a licence in respect of each plant.

(19) Where a holder of a licence to operate a plant ceases to carry on the business as per the licensed, the holder shall forthwith surrender the licence to the Board.

(20) A person who holds a licence to operate a plant and who intends to construct or alter a building intended for use as a plant or intends to make alterations to an existing plant shall

submit an application to the Board for a permit to construct or alter the building or plant before commencing the construction or alterations.

(21) Extension or repairs below 5% of total capital employed or below 5% of total fixed assets per year may be exempted from sub-section (20) above.

***Construction of processing a plant or processing establishment.***

34. (1) The construction or alteration of a building intended for use as a plant shall be made so that -

- (a) the floors of all rooms in which milk or milk products are handled, processed or stored are of concrete or other material impervious to liquids and have adequate slope towards a floor drain;
- (b) each room in which milk or cream products are processed or stored has a trapped drain capable of draining any liquids from the floor;
- (c) each wall in a room in which milk or milk products are handled, processed or stored has a base at least fifteen (15) centimetres above the floor level made of concrete or other waterproof material, and the joint between the floor and the base is watertight;
- (d) the ceiling of a room in which processing is done is at least three metres above the floor;
- (e) the surfaces of the walls and ceilings of all rooms in which milk or milk products are handled, processed or stored are of washable and moisture-proof material;
- (f) there is provision for equipping all openings with screens or other approved equipment capable of preventing the entry of flies or other insects and all doors have self-closing devices or equivalent methods of ensuring that flies or other insects do not enter;
- (g) rooms where milk is handled or processed contain provision for lighting that is shatterproof or covered with a protective shield;
- (h) the ceiling in the plant is insulated and sealed against infiltration of dampness or vapour and allows free circulation of air between the insulation and the roof;
- (i) a washroom does not open directly into a room where milk or milk products are handled or processed and doors are equipped with self-closing devices;
- (k) sewage is carried from the building by pipes, each of which contains a trap in an accessible location and connects with a municipal sewer or septic tank;
- (l) any heating unit shall be located in a safe place;
- (m) in the case of -
  - (i) cheese factory, there is a curing room large enough for the operation intended;
  - (ii) a creamery, there is a cold storage room of a size large enough to hold at least seven days production of butter; and

- (iii) a building intended for use as a plant for the manufacture of milk products other than butter or cheese, there are storage rooms large enough for the operation intended capable of being equipped with an automatic temperature-control system;
  - (n) receiving rooms for milk are enclosed and are of sufficient size to permit freedom of movement in receiving, grading, sampling and handling of milk and, where applicable, the washing and sanitizing of tank-trucks;
  - (o) receiving rooms for milk shall have a pump capable of unloading milk from a tank;
  - (p) receiving rooms for milk have enough operating space; and
  - (q) rodents and other vermin do not enter or remain on the premises.
- (2) The construction of a building intended for use as a plant or an alteration to increase the incoming milk capacity of such a building shall be made so that-
- (a) there is storage sufficient for the volume of raw milk required at the plant; and
  - (b) in the event of non- compliance on design of premises, a grace period not exceeding twelve (12) months during which the necessary alterations are made in order to comply with these Regulations, and the board may reserve the rights to extend or revoke the granted grace period.
- (3) Details on the designs, layout and standard operating procedures of a processing plant, processing unit or processing area shall be specified in the relevant schedule such as schedule 3, guidelines or rules.

## **PART IX**

### **CLASSES, STANDARDS AND QUALITY OF MILK AND MILK PRODUCTS**

#### *Classes and standards for milk and milk products.*

35. (1) A person shall not, sell dairy product or imitation dairy product in Eswatini unless
- 
- (a) the product in question is sold according to classes as prescribed in the attached relevant schedule; Schedule 11
  - (b) the product in question complies with the standards so prescribed for the composition thereof, and contains the ingredients and other substances so prescribed as ingredients and other substances which it shall contain;
  - (c) the product in question is packed in a container and in a prescribed manner;
  - (d) a container in which such product is packed, is marked with particulars and in a prescribed manner;
  - (e) the product in question does not contains a substance so prescribed as a substance which it may not contain; and
  - (f) the dairy and imitation dairy product does not contain prohibited substances.

- (g) the product is clearly and accurately labelled as a, “Fresh Dairy Product”, “Fresh Milk”, “Reconstituted milk product”, “Recombined milk product”, “Reconstituted dairy product “or “Dairy Blends in as the case may be in line with the definitions set out in this regulation;
- (h) any product not produced from fresh milk but produced on the basis of reconstituted and recombined dairy ingredients shall be clearly labeled “Reconstituted dairy product”, with this information appearing on the main panel in a letter size to be determined by the Board;
- (i) any milk or milk product produced from reconstituted or recombined dairy ingredients shall be clearly labelled;
- (j) products shall be manufactured mainly from the primary dairy products known as raw milk, where recombined milk or reconstituted milk is used this shall be clearly labelled and where the use of recombined milk or reconstituted milk exceeds a percentage of the content determined by the Board, the products will no longer be known as “fresh dairy product” but shall be clearly labelled “reconstituted dairy product”; and
- (k) dairy products produced from the recombining or reconstitution of bulk dairy ingredients such as milk powders shall be clearly labeled as such, in line with the appropriate provisions of the regulation and implementing instructions established by the Board.

(2) The prohibition shall also apply to the sale of a dairy product or an imitation dairy product that is an infant formula and a follow-up formula.

(3) The Board may grant written exemption, entirely or partially to any person on such condition as the Board may determine.

(4) Details on the classes, standard and quality of milk and milk products are mainly specified in the attached Schedule 11 and Schedule 13 .

(5) Classes, standard and quality of milk, milk products and milk related products must comply with the relevant attached schedules and recognised national, regional and international standard setting bodies such as Eswatini Standards Authority, Milk South Africa, Milk producers Organisation (SA), International Dairy Federation, World organisation for Animal Health (OIE) Codex Alimentarius and the International Organisation for Standardisation (ISO)

## **PART X**

### **SAMPLING AND METHOD OF ANALYSIS**

#### ***Sampling***

36. Methods to be employed and the procedure to be followed when a sample of a dairy product or an imitation dairy product is taken shall be as set out by a latest approved international standard setting body. Details are in Schedule 12 and schedule 14

#### ***Certificates of analysis.***

37. The following persons shall, after being given written notice by the Board, provide at their expense a certificate of analysis of the kind specified in the notice within the period specified -

- (a) an occupier;
- (b) an exporter of milk and milk products;
- (c) an importer of milk and milk products;
- (d) a distributor; and
- (e) a processor.
- (f) a trader

***Analysis to be done in an accredited lab.***

38. If a statement as to a particular condition of milk and milk products is made on a Board's permit, the analysis, inspection or examination required for the certificate shall be carried out in a laboratory accredited by the Board or an international or regional standard setting body to perform the analysis, inspection or examination.

***Methods of analysis.***

39. (1) The method to be employed and the procedure to be followed in connection with determination of a property of a dairy product or an imitation dairy product shall be as set out in notices, schedules or any other method approved by the Board.

(2) Details on the sampling and methods of analysis shall be specified in the schedule 12 for sampling and methods of analysis and schedule 14 for Codex Alimentarius and dairy related standards

## PART XI

### DAIRY AND DAIRY PRODUCTS CONTAINERS

***Requirement for milk and dairy products containers.***

40. (1) A container in which a dairy product or an imitation dairy product is packed shall -

- (a) be made from a material that -
  - (i) is suitable for this purpose;
  - (ii) will protect the contents from contamination; and
  - (iii) will not impart any undesirable flavour to the content;
- (b) be so strong that it will not be damaged or deformed during normal storage, handling and transport practices;
- (c) in the case of a container that is re-used, be thoroughly cleaned and sterilized before a dairy product or an imitation dairy product is packed therein;
- (d) be unbroken; and
- (e) be closed properly in a manner permitted by its nature.

(2) No outer container shall contain more than one class of dairy product or imitation dairy product, irrespective of whether those dairy products or imitation dairy products are packed in separate containers.

***Marking of containers, multipacks and outer containers.***

41. (1) All marking shall be clearly legible and indicated in English, in a letter or figure size of at least one (1) mm for lower case vowels.

(2) The main panel of a container of a dairy product or an imitation dairy product shall be marked with the following particulars -

- (i) the applicable class designation of that dairy product or imitation dairy product as required; and
- (ii) in letters of the same type, colour and font.

(3) If a primary dairy product known as cheese is cut and packed in the retail trade, the container or wrapper shall be provided with a label on which the class designation, as well as a production lot (batch code) shall be indicated in clear, legible letters or figures and the country of origin shall be indicated on the label with other marking requirements.

(4) A container of a dairy product or an imitation dairy product shall, either on the main panel or on any other conspicuous place thereon, be marked with the following particulars-

- (a) the name and address of the packer, manufacturer, or seller of that dairy product or imitation dairy in the case where it is not possible to use the physical address, a postal address with a telephone number may be used;
- (b) the net, drained mass, or volume of dairy product or imitation dairy product packed;
- (c) the ingredient list;
- (d) the date marking;
- (e) the country of origin, which shall be declared as follows-
  - (i) "Product of (name of country)" if all the main ingredients, processing and labour used to make the foodstuff are from one specific country;
  - (ii) "Produced in (name of country)", "Processed in (name of country)", "Manufactured in (name of country)", "Made in (name of country)" or similar words when a foodstuff is processed in a second country which changes its nature; and
  - (iii) "Packed in (name of country)" may be used in addition to the requirement of paragraph (a) or (b) above.
- (f) if a primary dairy product such as sour milk or Emasi is sold in the container of the buyer, the container from which such a product is sold shall be marked in the immediate vicinity of the tap of the container with the applicable class designation and the manner of heat treatment, e.g."

- pasteurised” or if not heat treated, “raw” or “unpasteurised”, in letters and figures of which the minimum vertical height is at least fifty (50)mm;
- (g) the nutritional content with the recommended daily rates shall be well stated;
  - (h) no word or expression may be bigger than the class designation unless it is a registered trade mark or trade name;
  - (i) in the case of a multipack containing less than 105 g or 105 ml, the concerned product;
  - (j) only the particulars prescribed need to be indicated on the containers containing the individual units provided that such individual units may not be sold loose and that the outer container or the foil lid is marked with the required marking requirement; and
  - (k) reconstituted or artificial products shall be well labelled.

***Indication of class designation.***

42. (1) The class designation of a dairy product or an imitation dairy product that is marked on the main panel of a container, shall -

- (a) be the applicable class designation or alternate class designation centrally located on the main panel specified;
- (b) in the case of cheese, a combination of such class designation and alternate class designation may be used and such a designation shall represent a true description of the cheese concerned.

(2) The unspecified class shall include -

- (a) cheese with a recognised protected designation of origin; and
- (b) the registered trade mark for that cheese.

(3) The alternate class designation, “unspecified” shall be indicated together with the class designation as specified.

(4) In the case of modified butter, the applicable class designation or alternate class designation and in the case of any other modified dairy product the word “modified” shall form part of the class designation.

(5) In the case of reconstituted or recombined dairy product, the word “reconstituted” or “recombined” shall form part of the class designation.

(6) The word "fruit" in the class designation of the type of a dairy product may be substituted by the name of the type of fruit that has been added, on condition that in the case of yoghurt, depictions or illustrations of the respective fruits added or used in the manufacturing shall only be allowed if the product concerned contains at least 6% (m/m) but not more than 25 % (m/m) of such fruit.

(7) If the milk is derived from plant material, the word “milk” shall be preceded by the name of the plant concerned.

(8) If a primary product has been obtained from the milk of an animal other than a cow of the bovine species, the applicable class designation for that product shall be preceded by the name of the species of the animal concerned.

(9) If a flavourant has been added to a dairy product or an imitation dairy product in order to render a distinctive specific flavour, the applicable class designation for that product shall be preceded by the descriptive name for the distinctive flavour concerned and the expression “x flavoured” or followed by the expression “with x flavour” or “with x flavouring”.(10) In the case where a foodstuff has been added to a dairy product or imitation dairy product, the applicable class designation shall include the actual name of the foodstuff added.

(11) The depictions or illustrations of any other ingredient or ingredients emphasised on the label shall only be allowed if all the requirements of these regulations have been complied with.

(12) In the case of composite product with added foodstuffs or fruits, the expression “with” may be used in conjunction with the class designation.

(13) The expression “dairy dessert” or “dairy snack” maybe used as a class designation in the case where the primary dairy product does not meet the specified milk protein required.

(14) In the case of the type of imitation product known as imitation cheese, the expression “vegan” may be used instead of the expression “imitation”.

(15) A class designation may be marked in an altered word sequence on the main panel of a container on condition that the altered word sequence does not constitute a misrepresentation, or may not directly or by implication create a misleading impression regarding the quality, nature, origin or composition of the dairy product or imitation dairy product concerned.

***Additional particulars on main panel.***

43. (1) The main panel of a container of a primary dairy product of the type known as dairy powder blend or dairy liquid blend, and that of an imitation milk product, shall be marked with a product description of the product concerned.

(2) Such product description shall-

(a) in the case of a primary dairy product of the type known as dairy powder blend and dairy liquid blend, consist of an indication of the descriptive names of the main dairy ingredients of the product concerned, indicated in descending order by mass; and

(b) in the case of imitation dairy products, consist of an indication of the descriptive names of the main ingredients of the product concerned, indicated in descending order by mass on the main panel.

(3) If a primary dairy product of a particular class is a main constituent of an imitation dairy product, it shall be the applicable class designation for that dairy product.

(4) If vegetable oil is a constituent of an imitation dairy product referred to in paragraph (1) (a), the type of vegetable oil shall also be indicated.

(5) In the case of a modified dairy product, any source of fat other than butterfat shall be indicated on the main panel in close proximity to the class designation.

(6) If a dairy product or an imitation dairy product has been sweetened-

(a) the expression "sweetened" and the content of the “sweetener” shall be indicated on the main panel of a container;

(b) the descriptive name and quantity of the sweetener which was used shall be included in the particulars required to be indicated; and

- (c) an imitation dairy product labelled as “non-dairy” shall contain no dairy ingredients.

(7) If the types of primary dairy products known as milk and cream, have been pasteurized, sterilized, ultra-pasteurized, or U.H.T.-treated, the manner of processing shall be included on the main panel.

(8) The provisions of this regulation shall subject to necessary changes, apply to fermented dairy products if it is subjected to heat-treatment after fermentation, on condition that the expression “contains no live cultures” shall be indicated in close proximity to the class designation in the same letter size.

(9) The provision of sub regulation (8) shall not apply in the case of a primary dairy product known as yoghurt.

(10) If the types of primary dairy products known as milk and cream have not been treated as contemplated, the applicable class designation for that product shall include the expression "Unpasteurized" or "Raw".

(11) The expression “long life” may be used for commercially sterile dairy products such as ultra - pasteurized or UHT treated products.

***Indication of production lot.***

44. (1) A container of a dairy or imitation dairy product shall be identifiable and traceable to such an extent that the factory where the final product was produced can be identified as well as details regarding the specific production lot or batch.

(2) The identification for all containers of a dairy product originating from the same production lot or batch, shall be the same.

***Additional particulars on containers.***

45. (1) A container of a powdered dairy or imitation dairy product shall be marked with the producer’s directions for the reconstitution in order to obtain a final product.

(2) The main panel of a container of a powdered dairy, imitation dairy product, dairy powder blend, dairy liquid blend, whey powder, sweetened condensed milk, and goat’s milk shall—

- (a) be clearly marked with the following words “not for baby or infant feeding” ; and
- (b) be marked in conjunction with the class designation for the product concerned.

(3) A container of butter of the class known as medium fat butter, and of modified butter of the class known as medium fat modified butter shall be marked with the expression "not suitable for frying purposes".

(4) A container of butter of the classes known as medium-fat butter, and of modified butter of the classes known as high-fat modified butter, medium- fat modified butter, shall-

- (a) be marked with the expression "moisture content" followed by an indication of the extent, expressed as a percentage, to which moisture constitutes part of that product; and
- (b) the percentage referred to shall not differ by more than three per cent 3% from the actual moisture content of the product concerned.

(5) If the fat content of a dairy product or an imitation dairy product is indicated on the cover of a container, the indicated fat content of the product concerned shall-

- (a) in the case of a liquid product, not differ by more than 0,2 gram from the actual fat content; and
- (b) in the case of a non-liquid product, not differ by more than 2,0 gram from the actual fat content thereof.

(6) A primary product of the type known as cream shall, for the purpose of this regulation be deemed to be a non-liquid product.

## **PART XII**

### **KEEPING OF PROCESSING ESTABLISHMENT RECORDS**

#### ***Keeping of records by operator of a plant or establishment.***

46. (1) An operator of a plant or manufacturer shall keep for twelve (12) months complete records of all milk bought and the records shall include -

- (a) the volumes of all milk received daily;
- (b) the milk-fat, milk-protein and other milk solids tests of all milk received;
- (c) the original entries of the volumes of milk bought and the milk-fat, milk-protein and other milk solids tests of the milk; and
- (d) and any other relevant tests.

(2) An operator of a plant shall keep for at least twelve months completed monthly records of milk utilization for audit purposes and the records shall include-

- (a) the number of litres sold in bulk and the number of units of each package size of products and other units of products sold by wholesale and retail outlet's detail;
- (b) the number of units of each package size products and other units of products sold each day at the plant and the proceeds of the sales;
- (c) the number of units of each package size of products sold each day to distributors;
- (d) the total amount of all products sold for each payment period by a distributor, including the total number of units of each package size sold and the selling price of fluid milk products;
- (e) where cheese is manufactured, individual vat (the vessel, tub, case, or mould in which the curd is pressed or in which the curd is formed, cut or broken in cheese making.) records giving date of manufacture, vat number, type of cheese made, disposition of the cheese, volume of milk in the vat, volume of skim-milk added or weight of skim-milk powder added, weight of milk-fat removed, weight of milk-fat in the vat and weight of cheese made;

- (f) where other milk products are processed, records giving date of manufacture, type of product made, ingredients, volume of milk, partly-skimmed milk, skim-milk; and
- (g) cream used and weight of milk-fat used and other ingredients.
- (h) details may include information as in the attached schedule 11 and schedule 14

***Keeping of records by distributor.***

47. (1) A distributor who operates a wholesale warehouse from which retail or grocery products are distributed and who is engaged in buying, selling or distributing products to other distributors, shall keep for at least 12 months, complete records on a monthly basis of -

- (a) all purchases of products; and
- (b) all sales of products, which records shall identify the places or areas where the products were sold.

(2) A distributor who obtains products from a distributor and whose delivery, sale or distribution is governed by an agreement in writing or otherwise with such other distributor shall furnish to the Board a copy of any agreement in writing.

(3) The operator of a plant shall keep a record of-

- (a) all goat's milk or milk from other specie received at the plant, showing the date received and the name of the producer or farmer and the number, if any, used for identification of the producer or farmer;
- (b) rejected of milk and the cause for rejection;
- (c) weights and grades of all milk accepted at the plant for processing into milk products; and
- (d) results of all tests made at the plant under this regulation.

(4) Where a milk grader or tester measures, weighs, grades or tests milk, the grader or tester shall immediately make an accurate record of the volume, weight, grade or test, as the case may be, in ink or permanent lead.

(5) The operator of a plant shall keep a record of the full name and address of each producer or farmer who ships milk to the plant.

(6) The operator of a plant shall keep for at least one year all records of weights, grades and tests milk made at the plant.

***False Records.***

48. (1) A person shall not falsify any records or statements, or make any incorrect determination that may affect the price paid for milk at a plant.

(2) Where a record or statement in respect of the price paid for milk at a plant is changed, the persons responsible for the change shall write their initials in ink or permanent lead at the place in the record or statement where the change was made and these details shall be in the trade returns and product recall sections.

(3) Farmers, manufacturers, processors, traders, distributors, importers, exporters, traders, wholesalers, and retailers are obliged to –

- (a) supply products that comply with the general safety requirement;
- (b) monitor the safety of products on the market; and
- (c) provide the necessary documents ensuring that the products can be traced.

### **PART XIII**

#### **REGULATED PRODUCTS**

#### ***Regulated products.***

49. (1) The Board may fix conditions or rules with respect to regulated products and without limiting the generality of the foregoing, the Board may make terms and conditions-

- (a) providing for the licensing of any or all persons before commencing or continuing to engage in the producing, processing or marketing of a regulated product;
- (b) prescribing or providing for classes of licences and the imposition of terms and conditions on any class of licence;
- (c) providing that the Board may impose such terms and conditions upon a licence as the Board or considers proper;
- (d) guiding the production, marketing or processing of any regulated product;
- (e) providing for the refusal to grant or renew or the suspension or revocation of a licence;
- (f) providing for the imposition, amount, disposition and use of penalties where, after a hearing, the Board is of the opinion that the applicant or licensee has failed to comply with or has contravened any term or condition of a licence or any provision of these Regulations, any plan or any order or direction of the Board;
- (g) providing for the fixing of licence fees and the payment by any person producing, marketing or processing a regulated product and the collecting of the licence fees.;
- (h) requiring any person who receives a regulated product from a dairy to pay certain licence fees;
- (i) requiring any person who produces and processes a regulated product to furnish to the Board statements of the amounts of the regulated product that the person produced;
- (j) prescribing the form of licences; and
- (k) providing for the exemption of any person or class of persons engaged in the producing or marketing of the regulated product or any class, variety, grade or size of regulated product.

#### ***Suspension or Revocation of a regulated product licence.***

50. The refusal to grant or renew a licence or the suspension or revocation of a licence, may be based on the following-

- (a) that the applicant or licensee is not qualified by experience, financial responsibility or equipment to properly engage in the business for which the application was made or the licence granted; or
- (b) that the applicant or licensee has failed to comply with or has contravened any provision of the Act, these Regulations, any plan or any order or direction of the Board or the country's laws.

## **PART XIV**

### **DISTRIBUTION**

#### ***Licences.***

51. (1) A person who carries on business as a distributor shall be deemed to hold a licence as a distributor as long as that person complies with all applicable provisions of the Act, these Regulations and the orders of the Board irrespective of the location.

(2) A licence as a distributor is not transferable.

(3) A licence as a distributor expires if the holder of the licence ceases to carry on business as a distributor.

(4) A licence as a distributor only permits the selling or distribution of dairy and dairy related products on the premises approved by the Board, local authority or public health units.

(5) A person shall not obtain milk or milk products for resale or distribution from any person who is not a holder of a licence as a distributor under these Regulations.

#### ***Application for a licence.***

52. (1) An application for the issue, renewal or amendment of a licence to carry on business as a distributor shall be made to the Board and may be on the form provided by the Board.

(2) An application for renewal of a licence to carry on business as a distributor shall be filed with the Board at least sixty days prior to the expiry of the licence.

(3) Subject to the approval of the Board, a licence as a distributor shall be issued to the applicant and shall include-

- (a) the licence number;
- (b) the type of licence issued, local, import, export, distributor and distribution centre;
- (c) the name and address of the licensee;
- (d) description of each location at which the distributor carries on business as distributor;
- (e) the effective date of the licence;
- (f) the expiry date of the licence; and
- (g) the Board's signature.

(4) A licence to carry on business shall have a stipulated expiry period as may be fixed by the Board or specified in the relevant Schedule such as the attached schedule 1 or notice.

(5) The licence fee for a distributor shall be specified in the Schedule on fees.

(7) If any licence expires on a day other than an anniversary of its effective date, the Board may prorate the licence fee payable for that part of the year from the last anniversary to the expiry date.

***Number of licences.***

53. A distributor shall only hold one licence in respect of all locations at which the distributor carries on business as a distributor.

***Refusal to issue or renew licence.***

54. (1) The Board may, after a hearing, refuse to issue a licence, renew, or amend the licence of a distributor where-

- (a) the applicant is not qualified by experience, personnel or equipment to properly engage in the business for which the application was made;
- (b) the applicant fails to observe, perform or carry out the requirements of the Act, these Regulations, a plan, an agreement or an award, or an order of, the Board;
- (c) the area in which the applicant intends to deliver, sell or distribute fluid milk products is already adequately served;
- (d) regular service to consumers in the area in which the applicant intends to deliver, sell or distribute products should be provided or continued, and the applicant does not intend to provide or continue such service;
- (e) the applicant will not distribute in relation to the needs of customers in the area in which the applicant intends to deliver, sell or distribute;
- (f) the applicant will not make adequate provision for the segregation of milk and milk products from other products carried by the applicant's delivery vehicles;
- (g) the existing relationship between producers and distributors in the area in which the applicant intends to deliver, sell or distribute should not be continued;
- (h) any material representation or information made or provided by or on behalf of the applicant is false or misleading;
- (i) the applicant does not comply with the health protection and promotion laws and the regulations there under;
- (j) the issuance or renewal of the licence is not in the public interest having regard to the past conduct of the applicant or, where the applicant is a corporation, of its officers or Boards;
- (k) the past conduct of the applicant or, where the applicant is a corporation, of its officers or boards, affords reasonable grounds for belief that the business will not be carried on in accordance with the country's laws and with honesty and integrity;
- (l) the applicant has already been issued the licence applied; and where; or
- (m) dumping of products from other countries is suspected and or confirmed.

- (2) A distributor's licence shall not be transferable.
- (3) A detailed risk analysis report shall be submitted for products sourced outside the country.
- (4) Products that are in the last quarter of their useful life, (the time between production dates and expiry dates) shall not be distributed especially when sourced outside Eswatini.

***Contravening licence conditions.***

55. (1) Where, after a hearing, the Board has determined that a licensee or former licensee has contravened a condition of a licence or a provision of the Act, these Regulations, a plan or an order or direction of the Board, the Board may impose a penalty on that person.

- (2) The Board shall consider whether a contravention -
  - (a) harms or has the potential to harm the health of any person;
  - (b) endangers the safety of any person;
  - (c) results in a significant economic benefit to the contravener;
  - (d) harms the local dairy industry; or
  - (e) harms the Board's and the country's revenue;

and determine if such contravention warrants a penalty as set out in these Regulations.

(3) If a contravention that was caused by wilful neglect by the person penalized causes harm to the health of any person, the penalty imposed may be the maximum provided in the Act.

(4) If a contravention is of an administrative nature that does not have the potential to cause harm to the health of any person, the penalty shall not be the maximum set out.

- (5) A licence as a distributor shall be issued on the condition that-
  - (a) the holder of the licence observes, performs and carries out the provisions of the Act, the regulations, all plans, agreements and awards, and all orders of the Board;
  - (b) where so required by the Board, the holder of the licence provides or continues regular delivery service to consumers in the area in which the applicant delivers, sells or distributes;
  - (c) the holder of the licence complies with the health protection and promotion legislations in the country;
  - (d) the holder of the licence notifies the Board in writing of all changes in the description of the locations at which the holder carries on business as a distributor;
  - (e) the holder of the licence informs the Board in writing of the name of every distributor of those supplies to the holder;
  - (f) the holder of the licence distributes in relation to the needs of customers in the area in which the applicant delivers, sells or distributes;
  - (g) the holder of the licence segregates milk and milk products from other products carried by the licence holder's delivery vehicles;

- (h) the holder of the licence or, where the holder of the licence is a corporation, every officer, board or employee thereof, does not contravene nor permit any person under their control or direction to contravene any provision of the Act or the regulations or of any other law or the regulations there under or of any law applying to the carrying on of such business, or the conditions for licensing;
- (i) the holder of the licence carries on the business in accordance with law and with honesty and integrity and with regard to the public interest;
- (k) the holder of the licence does not dump products from within and outside the country;
- (l) the holder of the licence shall have a valid approved export certificates for manufacturers or processors of dairy and dairy related products;
- (m) the holder of the licence shall have a valid approved export certificate for distributors of dairy and dairy related products;

(5) A permit shall not be issued for products that come directly from distribution centres outside Eswatini, where the distributors are not licensed in the country.

(6) Distribution centres outside Eswatini shall be encouraged with time to set up centres in the country or work with the local distributors.

(7) Due to food safety, traceability, product recall and trade returns challenges, distribution centres located outside Eswatini and directly supplying products to wholesalers, retailers and consumers shall not be recommended and preferred.

(8) All distributors in and outside Eswatini shall apply for a licence before distributing products in Eswatini.

(9) Manufacturers, processors shall be registered and approved distributors to operate in Eswatini;

(10) Manufacturers, processors and traders shall submit names of their registered and approved distributors in Eswatini to the Board.

***Suspension, Revocation, Surrender of a licence.***

56. (1) After a hearing, the Board may suspend or revoke a licence of a distributor for any failure by the distributor to comply with the conditions that apply to the licence.

(2) A person or manufacturer shall not supply to a distributor who is not a holder of a licence under these Regulation

(3) A licensed distributor who ceases to carry on business as a distributor shall promptly surrender the licence to the Board.

**PART XV  
SAFE AND UNSAFE MILK**

***Unsafe milk.***

57. (1) Milk, milk products or imitation dairy products are not to be considered unsafe if they are subjected to the preparation that is relevant to their reasonable intended use.

(2) Milk and milk products are not unsafe merely because their inherent nutritional or chemical properties or their inherent nature causes an adverse reaction only in persons with allergies or sensitivities that are not common to the majority of persons.

***Unsuitable products.***

58. Milk and milk products are not suitable if they -

- (a) are damaged, deteriorated, perished or contaminated to an extent that affects their reasonable intended use;
- (b) contain any damaged, deteriorated, perished or contaminated substance that affects their reasonable intended use;
- (c) are derived from an animal that is diseased, dead, or has been declared unsafe for human consumption;
- (d) contain a biological or chemical agent or other substance that is foreign to the nature of milk and milk products of that kind;
- (e) are produced using, treated with or are subjected to a harmful process contrary to these Regulations; or
- (f) are produced under controls, including hygiene, temperature and other processing controls that are inadequate to ensure that they are safe and not unsuitable.
- (g) details the quality and testing methods for safe milk are in schedule 13 of the regulations

**PART XVI****REGISTRATION OF ESTABLISHMENTS TO PROCESS AND TRADE IN MILK AND MILK PRODUCTS*****Requirements for registration.***

59. (1) Milk and milk products shall be prepared at an establishment that is registered and authorised by the board in respect of the intended operations.

(2) For purposes of this regulation, establishment includes premises, such as a building, ship, aircraft or vehicle and preparation includes processing, packing, storage, treatment, handling or loading.

(3) A person shall not process at an establishment that is not registered.

(4) A person who occupies an establishment where activities take place in contravention of sub - section (3) above, commits an offence.

(5) Products need not be prepared in a registered establishment if the Board gives the operator of the establishment written approval with conditions to process at an unregistered establishment.

***Instrument of exemption.***

60. These section does not apply to milk and milk products that are-
- (a) stored in an aircraft for the use of passengers and crew or for the service of the aircraft on a flight from Eswatini;
  - (b) imported into Eswatini and not prepared in Eswatini and held in bond at all times prior to export; or
  - (c) imported into Eswatini and then exported in the same covering and under the same trade description as the covering and trade description in which they were imported;
  - (d) are on transit; or
  - (e) are exempted under special circumstances.

## PART XVII

## IMPORT AND EXPORT OF MILK AND MILK PRODUCTS

***Import and Export permits.***

61. (1) Before milk and milk products are exported or imported for consumption, an import or export permit shall have been issued by the board or given for their import or export.
- (2) A permit shall be valid at the time of the import or export of the milk and milk products.
- (3) All imported milk products for sale in Eswatini shall comply with the labelling requirements set out in the attached relevant schedules and sections.

***Prohibition on import and export of milk and milk products.***

62. A person shall not import or export milk and milk products unless the requirements specified in this section are complied with.

***Conditions and restrictions on import and export.***

63. For the purposes of these Regulations, the requirements specified for milk and milk products in this section are specified conditions and restrictions applicable to the import and export of milk and milk products that are imported or exported for consumption.

***Approved permit holder.***

64. A permit holder or an owner shall be the person who applied and was granted a permit by the Board.

***Security of import and export permits and government permits.***

65. (1) A person to whom this section applies shall ensure that import, export and government permits are held under conditions of security when not in use.

(2) Failure to comply with this regulation may impede the approval of arrangements as they relate to the issue of permits and the approval of persons as approved import or export permit issuers or result in the revocation of such approvals.

***Return of import, export permits and government permits.***

66. Import, export permits shall be returned to the issuer where -

- (a) an import or export permit for milk and milk products is revoked;
- (b) any relevant agency such as Government permit for milk and milk products is cancelled;
- (c) the intention to import or export milk and milk products is abandoned; or
- (d) the permit has expired.

***Requirement to notify.***

67. If before the import or export of milk and milk products for which an import or export permit is issued or given, a person to whom this section applies suspects that -

- (a) the fitness for human consumption of the milk and milk products is jeopardised or their security or integrity is compromised; or
- (b) an importing or exporting country requirement applying to the milk and milk products is not complied with,

that person shall notify the relevant authorized officer of the board immediately after receiving that information.

***Effective measures to ensure accuracy and completeness.***

68. A person to whom this section applies shall have effective measures in place to ensure that -

- (a) information given to the Board in connection with an application for an import and export permit or any permit is accurate and complete; and
- (b) there is a sound basis for the information given.

PART XVIII

AUDITS

***Purpose of an audit.***

69. (1) The purpose of an audit of operations is to establish whether there is compliance with one or more of the applicable requirements for which the audit is required by the Board.

- (2) The Board may require the audit to be for compliance with all of-
- (i) the applicable requirements of the Act and its regulations;
  - (ii) the requirements of any applicable approval, or an arrangement and its conditions;
  - (iii) the applicable exporting or importing country requirements; and
  - (iv) for all aspects of the operations in relation to all milk and milk products.

(3) An audit may be on the aspects of operations specified by the Board or on milk and milk products of the kind specified by the Board.

***Who may be audited.***

70. The following may be a subject of a required audit -
- (a) the whole dairy industry value chain including direct and indirect beneficiaries and sectors;
  - (b) operations for the preparation of milk and milk products;
  - (c) operations for the import or export of milk and milk products as food; or
  - (d) operations for all aspects of the operations production to consumption of milk, milk products and milk related products such as substitutes, recombined and reconstituted dairy products.

***Who may perform an audit.***

71. (1) An audit may be conducted by an authorized officer of the Board.
- (2) If so, specified by the Board in writing, by an auditor approved by the Board to perform an audit of that kind.
- (3) Details are in the attached Schedule 10

***Additional audits on request.***

72. (1) The Board may, at the request of a dairy industry stakeholder, occupier, importer or exporter, provide audits of the occupier's, importer's or exporter's operations by an authorized officer.
- (2) The Board may at any time require or withdraw the provision of additional audits.

***Notice of audit.***

73. (1) An audit may be announced or unannounced.
- (2) If the audit is unannounced the auditor shall, before starting the audit, produce the auditor's identity card for inspection.
- (3) If notice has been given of the audit, the auditor shall, at the request of the occupier, importer or exporter, produce an identity card for inspection before starting the audit.

***Audit frequency and intensity.***

74. (1) The Board may by giving a written notice to the occupier, importer, and exporter specify the frequency and intensity of the audits of their operations.

(2) The Board may by giving a further written notice to the person to whom the first notice is given, vary or revoke the earlier notice.

(3) The Board may specify the conditions of any applicable approved arrangement or approval of a person and the frequency and intensity of audits required.

***Assistance to be provided.***

75. (1) The occupier, importer and exporter shall provide such assistance to an auditor as is necessary to enable the auditor to perform the audit of their operations.

(2) Without limiting the generality of sub-regulation (1), the occupier, importer or exporter shall -

- (a) provide information to the auditor on request including explanations, documents and translations available; and
- (b) allow an auditor to-
  - (i) observe and interview employees, agents or contractors of the occupier, importer or exporter;
  - (ii) observe any of their procedures;
  - (iii) use their equipment for the purpose of accessing, examining, testing, sampling, recording or reproducing any documents or other thing at their premises; and
  - (iv) bring into the premises at which the audit is conducted equipment for that purpose.

***Audits to be conducted expeditiously.***

76. An auditor shall conduct an audit as expeditiously as possible and in a way that causes as little interference as possible to the operations that are the subject of the audit.

***Failure to comply.***

77. (1) If as a result of an audit of operations, in the auditor's opinion, there is a failure or a combination of failures to comply with a requirement, the auditor shall-

- (a) assess whether the failure or a combination of failures is a critical non-compliance; and
- (b) notify the occupier, importer and exporter immediately on ending the audit of their operations.

(2) If in the auditor's opinion, the failure or a combination of the failures, amount to a critical non-compliance, the auditor shall notify the Board immediately on forming that opinion.

***Audit reports.***

78. (1) The audit report shall include the following information-
- (a) the name of the auditor;
  - (b) the date of the audit;
  - (c) the identity of the operations audited; and
  - (d) the nature and scope of the audit, including the activities audited.
- (2) The audit report shall state-
- (a) whether in the auditor's opinion the audit was satisfactorily completed or was terminated prior to completion;
  - (b) whether in the auditor's opinion the requirements referred for which the audit is required by the Board are complied with; and
  - (c) the reasons for the auditor's opinion.
- (3) The audit report shall -
- (a) describe each failure to comply with the requirements set out in the licence, the Act or these Regulations; and
  - (b) state whether in the auditor's opinion the failure or a combination of the failures is a critical non-compliance or has contributed to a critical non-compliance.
- (4) An audit report shall be submitted to the Board, occupier, importer or exporter and other relevant stakeholders within fourteen (14) working days after the day of an approved auditor ends.

PART XXI  
OFFICIAL MARKINGS

***Power to make markings.***

79. A person may manufacture an official mark for use for milk and milk products or be in possession an official marking device for use on milk and milk products if -
- (a) that person is an authorized officer or is acting in accordance with a direction of an authorized officer; or
  - (b) the person is designated in an approved arrangement as a person who may do the relevant act and the act is done in accordance with the approved arrangement by the Board, the purchaser and the supplier.

***Interfering with an official marking.***

80. (1) A person shall not alter or interfere with an official mark applied-
- (a) to milk and milk products, their packaging or to anything containing the milk and milk products; or
  - (b) to anything that is attached to -
    - (i) milk and milk products; or

- (ii) the packaging or anything containing milk and milk products; or
- (2) A person shall not alter or interfere with an official mark applied, unless that person is-
  - (a) an authorized officer, or is acting in accordance with a direction of an authorized officer; or
  - (b) the person is designated in an applicable approved arrangement as a person who may do the relevant act and the act is done in accordance with the approved arrangement by the Board, purchaser and the supplier.

***Resemblances.***

81. (1) Resemblance of an official mark means a design that-
- (a) is similar to the design of an official mark; and
  - (b) differs materially from the design so specified only in respect of its dimensions.
- (2) A person shall not apply to a packaging or to anything containing milk and milk products, a mark resembling an official mark including a resemblance of an official mark or anything apparently intended to resemble or pass for an official mark unless the following circumstances exist-
- (a) the person is designated in an applicable approved arrangement as a person who may do the relevant act; and
  - (b) the act is done in accordance with the provisions of the approved arrangement.

***Altered markings.***

82. If milk and milk products are located at an establishment and the occupier suspects that an official mark applied to the milk and milk products has been altered or interfered with other than in accordance with these Regulations, the occupier shall-
- (a) notify an authorized officer without delay on forming the suspicion; and
  - (b) not deal further with the milk and milk products concerned without the written approval of an authorized officer.

***Application of marking.***

83. An official mark shall be applied to -
- (a) packages or anything containing milk and milk products; or
  - (b) anything that is attached, not easily defaced, pre-printed and imprinted to -
    - (i) milk and milk products;
    - (ii) packages of milk and milk products; or
    - (iii) containers of milk and milk products.

***Keeping of official marks.***

84. (1) An occupier shall keep official marks and marking devices under conditions of security when not in use.

- (2) An occupier shall make a record of the occupier's -
- (a) receipt, use and return of official marking devices;
  - (b) receipt or manufacture of official marks; and
  - (c) use and defacement of official marks.
- (3) The Board may revoke an official marking if the authorized officer has reasonable grounds to believe that -
- (a) the occupier or operator has not, or is not likely to comply with a requirement of the Act, and other relevant laws;
  - (b) the fitness for human consumption is or is likely to be jeopardised or their integrity is, or is likely to be compromised;
  - (c) milk and milk products are not likely to comply with the quality standards; or
  - (d) the occupier of the establishment at which the milk and milk products are processed in unapproved and unregistered locations.
- (4) The authorized officer may issue a directive requiring action to be taken if there are reasonable grounds to believe that a requirement of the Act in relation to milk and milk products has not been complied with or is not likely to be complied with.
- (5) If the authorized officer has reasonable grounds to believe that there is non-compliance, the authorised officer may take one or more of the following steps to -
- (a) address the cause of the none compliance;
  - (b) ensure that the failure to comply with the requirement or the likelihood thereto does not recur; and
  - (c) assess the effectiveness of the action.
- (6) The direction provided may require the following action –
- (a) the movement of milk and milk products out of the premises including movement to premises identified by the authorised officer;
  - (b) the retention, securing, identification, segregation, treatment, inspection, examination, sampling, condemnation, destruction, denaturing or other disposal of milk and milk products;
  - (c) the cessation of the preparation of milk and milk products; or
  - (d) that action is taken in relation to a mark, premises, equipment and vehicle used.
- (7) An occupier's failure to take corrective action if a requirement of these Regulations is not being met may result in the suspension or revocation of an approved arrangement.
- (8) An authorized officer may not give a direction requiring that the preparation of milk and milk products cease unless the authorized officer has reasonable grounds to believe that the purpose specified cannot be achieved without the cessation of the preparation.

***Obligation to comply with direction.***

85. (1) An occupier who is given written notice of a direction under this Part shall take the action specified in the notice within the period specified in the notice.

(2) The notice shall state that a failure to take the action specified within the time specified is an offence.

(3) An authorized officer may amend or revoke the notice by giving a further written notice to the person to whom the notice is given.

***Requirement to provide translations.***

86. (1) If any part of a trade description applied appears in a language other than English or SiSwati, an authorized officer may give any of the following persons a written notice requesting a translation-

- (a) the occupier of the establishment at which the information is applied;
- (b) the occupier of the establishment in possession of the products concerned; or
- (c) the importer or exporter of the milk and milk products concerned.

(2) The translation shall be prepared by a person who-

- (a) has appropriate qualifications to make the translation; and
- (b) is independent of and not employed in operations to prepare the products.

***Assistance to authorized officers.***

87. The occupier shall, if requested by an authorized officer, provide reasonable assistance to the authorized officer for the purpose of exercising a function by the authorized officer.

***Alternative regulatory arrangements.***

88. (1) The occupier may make a written application to the Board for a notice stating that an alternative procedure, standard or other requirement specified in the application achieves the purpose of a requirement of these Regulations specified in the application.

(2) If the Board is satisfied that the specified alternative procedure, standard or other requirement achieves the purpose of the specified requirement, the Board may give the occupier a written notice to this effect.

(3) The Board may amend or revoke a notice by giving the occupier of the establishment a further written notice.

(4) Compliance with the procedure, standard or other requirement specified in the notice given by the Board is taken to be compliance by the occupier with the requirement of these Regulations.

(5) An occupier may make a written application to the Board for a notice stating that a requirement of these Regulations that is specified in the application does not apply to, or in relation to the products prepared at the occupier's establishment.

- (6) If the Board is satisfied that all of the following circumstances exist-
- (a) a relevant importing country requirement differs from the requirement of these Regulations specified in the application;
  - (b) compliance with the importing country requirement would not result in compliance with the requirement of these Regulations specified in the application;
  - (c) an establishment's approved arrangement contains controls to achieve the importing country's requirements;
  - (d) products processed in the establishment are not for the local markets,

the Board may at the Board's discretion give the occupier a written notice.

(7) A notice may specify that the requirement of these Regulations specified in the notice does not apply to or in relation to products prepared at the establishment only for export.

(8) The Board may amend or revoke the notice by giving the occupier a further written notice.

***Application for reconsideration.***

89. (1) A person whose interests are affected by a decision to give a direction made under these Regulations may make a written application for a reconsideration of that decision by a senior authorized officer at the office of the Board where the direction is given.

(2) The application shall-

- (a) set out the reasons for the application; and
- (b) be given to a senior authorized officer within seven (7) days after the day on which the decision to give the direction first comes to the notice of the applicant or within such further period as the senior authorized officer allows.

(3) On receiving an application, the senior authorized officer shall reconsider the decision to give the direction and may confirm, vary or revoke any direction that may have been given in the first instance.

(4) When the senior authorized officer makes a decision, the authorized officer's decision ceases to have effect.

(5) Within 14 days after the day on which the senior authorized officer receives the application, the senior authorized officer shall give the applicant a written, decision and the reasons for arriving at that decision.

***Application to the Board.***

90. (1) A person whose interests are affected by a decision made by a senior authorized officer may make a written application to the Chief Executive Officer for a review of that decision.

(2) The application shall -

- (a) set out the reasons for the application; and

(b) be given to the Chief Executive Officer within seven (7) days after the day on which the decision made by the senior authorized officer first comes to the notice of the applicant or within such further period as may be prescribed.

(3) On receiving an application, the Chief Executive Officer shall reconsider the decision made by the senior authorized officer and may confirm, vary or set aside that decision.

(4) When the Chief Executive Officer makes a decision, the senior authorized officer's decision ceases to have effect.

(5) The Chief Executive Officer may inform the Board of the reviewed decision for information.

(6) Within twenty-eight (28) days after the day on which the Chief Executive Officer receives the application, the Chief Executive Officer shall give the applicant a written notice of -

(a) the Chief Executive Officer's decision; and

(b) the reasons for the decision.

***Application to the Minister.***

91. (1) A person whose interests are affected by a decision made by the Board may make a written application to the Minister for review of that decision.

(2) The application shall -

(a) set out the reasons for the application; and

(b) be given to the Minister within seven (7) days after the day on which the decision made by the Board first comes to the notice of the applicant or within such further period as the minister allows.

(3) On receiving an application made, the Minister shall reconsider the decision made by the Board and may make any decision to give a direction that may have been made by a Board in the first instance.

(4) Within sixty (60) days after the day on which the Minister receives an application, the Minister shall give the applicant written notice of the Minister's decision and the reasons for the decision.

PART XX

PRODUCT RECALL PLAN

***Purpose of the Recall plan.***

92. (1) The main purpose of the plan is to remove or correct volatile products that may represent a health hazard to the consumer or user.

(2) A product recall shall be a responsibility of a manufacturer, distributor, trader, exporter or importer to protect public health and well-being.

(3) As a precautionary measure, product recall shall commence as soon as the health hazard is suspected while further information is gathered to determine if the health hazard with the product is genuine.

***Types of Recalls.***

93. A product recall plan shall be categorised into three (3) classes as follows-

- (a) a class I recall which shall be classified where there is a reasonable probability that use of or exposure to a product will cause serious, adverse health consequences such as-
  - (i) a disease-causing agent in dairy products or reagents;
  - (ii) allergens in the dairy product such as undeclared peanuts or eggs in the dairy product;
  - (iii) expired dairy products or reagents;
  - (iv) contaminated products or reagents;
  - (v) products not fit for human consumption; and
  - (vi) metal or glass fragments found in a product
  
- (b) a class II recall which shall be classified where the use of or exposure to the product may cause temporary or medically reversible adverse consequences, but the probability of serious adverse health consequences is not as in class 1 and may include the following -
  - (i) wash water solution in fluid milk;
  - (ii) adulterated products;
  - (iii) wrong combination of edible ingredients;
  
- (c) a class III which recall shall be classified where the use of or exposure to the product is not likely to cause adverse health consequences such as -
  - (i) misbranding of flavours or not using the term artificial; or
  - (ii) incorrect labelling such as type size and prominence.

***Recall discovery and decision phases.***

94. (1) The first step in a recall situation is the discovery of a potential product problem and can happen in many ways such as laboratory discovery, employee observation and consumer complaints as illustrated below-

- (a) lab discovery may occur where a product tests positive for a potential problem, such as high or pathogenic bacterial count, improper pasteurization, or presence of antibiotic;
- (b) an employee observation could relate to parts of a filler being missing or broken glass being found in the filling area;
- (c) consumer complaints may be divided into two classes-
  - (i) routine complaints such as not enough condiments in ice cream, leaking package, and other non-critical issues; or

- (ii) complaints that cause a health concern such as metal shavings in a product, cross-contamination with allergens, or any other serious situations.

(2) If there is a laboratory discovery, an employee observation or a consumer complaint that warrants a concern, the recall decision phase shall come into effect by gathering the following information-

- (a) identity of the product in question-
  - (i) the items involved including products, brand names, and package sizes;
  - (ii) the production dates and code dates of the affected product; and
  - (iii) the location where the items were produced;
- (b) the reasons for the product to be of questionable quality, including -
  - (i) the type of defect;
  - (ii) the cause of defect;
  - (iii) the problem discovered;
  - (iv) the potential health hazards;
  - (v) potential illnesses or injuries reported;
  - (vi) potential hazards result from the problem; or
  - (vii) problem severity to public health;
- (c) the quantity of the product in question such as -
  - (i) the production lines or batches affected and involved shifts; or
  - (ii) quantities produced;
- (d) the customers that received the product including the-
  - (i) identify customers and quantities received; or
  - (ii) distribution of the product.

***Mock recall plan.***

- 95. (1) A mock recall shall be used to test the efficacy of the current recall procedure in place.
- (2) A mock recall shall be obligatory and shall be part of a food safety management system.
- (3) Mock recalls shall be conducted in all the sections of the value chain.

***Recommended information in recall submission.***

- 96. (1) The recall submission form or report shall contain the following information-
  - (a) product name, include brand name and generic name;
  - (b) model, catalogue, or product order number;

- (c) description of the product;
  - (d) state whether or not the product is powder, liquid, tablet, or capsule;
  - (e) include the intended use or indications;
  - (f) if the product is perishable, include the expected shelf life;
  - (g) include type of packaging, such as a box, flexible plastic, glass;
  - (h) product labelling including all private labels;
  - (i) individual package label;
  - (j) case label, photocopy acceptable;
  - (k) package inserts;
  - (l) directions for use;
  - (m) promotional material, if applicable;
  - (n) code, production identification number;
  - (o) lot or unit numbers, if "all lots" are involved or the product is not coded, explain how non-recalled or reintroduced product may be distinguished from product subject to recall;
  - (p) expiry date, use by date or expected shelf life of the product;
  - (q) serial numbers, medical devices;
  - (r) details of the recalling company, organization or person details;
  - (s) details for the responsible individual for the recalling company;
  - (t) details of the place where the product is recalled; and
  - (u) details of the company or person responsible for the violation or problem.
- (2) Where there are reasons for the recall, the company recalling a product shall-
- (a) explain in detail how the product is defective;
  - (b) explain how the defect affects the performance and safety of the product, such as, where the recall is due to the presence of a foreign object, describe the foreign objects size, composition, hardness, and sharpness;
  - (c) if the recall is due to the presence of a contaminant, cleaning fluid, machine oil, or paint vapours, the level of contaminant in the product and provide labelling shall be explained, including a list of ingredients and the material safety data sheet for the contaminant;
  - (d) if the recall is due to failure of the product to meet product specifications, provide the specifications and report all test results and provide copies of any sample analysis;
  - (e) if the recall is due to a label or ingredient issue, provide and identify the correct and incorrect labels, description, and formulation;
  - (f) if the recall is due to expiry date, provide the expiry date and the recall date;
  - (g) explain how the problem occurred and the date it occurred;
  - (h) explain how the problem was discovered and the date discovered;

- (i) explain if the problem or defect affects all units subject to recall, or just a portion of the units in the lots subject to recall;
- (j) explain why this problem affects only those products or lots subject to recall;
- (k) provide detailed information on complaints associated with the product or problem;
- (l) provide the date of complaint;
- (m) describe the complaint, including the details of any injury or illness; and
- (n) lot number or serial number involved.

(3) The company responsible for a recalled product shall indicate the volume of the recalled product and shall include -

- (a) the total quantity produced;
- (b) the date produced;
- (c) the quantity distributed;
- (d) the date distributed;
- (e) the quantity in the custody of the recalling person and its distribution centres;
- (f) how the product is being quarantined;
- (g) the estimate amount remaining in marketplace, distributor level, retail level; and
- (h) the status or disposition of marketed product, if known such as used in further manufacturing, or destroyed.

(4) A recall strategy of the responsible company shall -

- (a) indicate the level in the distribution chain to which you are extending the recall;
- (b) explain the rationale for not recalling from other areas such as the retail level, if the recall only extends to the wholesale or distributor level;
- (c) indicate the method of notification whether by mail, phone, facsimile, e-mail including a written notification so that customers can react to instructions;
- (c) indicate how information will be sent to customers, and if there is a web site, consider posting the recall notification on the web site as an additional method of recall notification;
- (d) report on the instructions that were issued to customers to comply with the recall of the product;
- (e) explain if this recall will create a market shortage that will impact on the consumer;
- (f) report on recall effectiveness check strategy, including actions for non-responders;

- (g) determine and provide course of action for out-of-business distributors.
- (h) provide a proposed method of destruction, if applicable and if the product is to be "reconditioned", explain how and where the reconditioning will take place;
- (i) contact the local authority or public health unit prior to product destruction, which may choose to witness the destruction;
- (j) where applicable, shall keep safe documentation of product destruction and whether or not destruction was witnessed by the Board or other agencies; and
- (k) have field corrections performed by the recalling company, representatives, or under their supervision and control.

***Product Recovery Phase.***

97. (1) During a physical recovery and disposal of the product, the following steps shall be taken by a person conducting the recovery and discovery -

- (a) the distribution and plant management or their agencies shall designate a return pooling area for the recalled product;
- (b) if the return pooling area is within the plant it shall be segregated from normal operations;
- (c) the concerned parties shall review the scope of distribution for the product and determine the quickest way to get the product out of circulation; and
- (d) all returns shall be clearly marked to avoid any confusion with and unrelated products.

(2) Documentation of the collection and disposal of the recalled product shall be -

- (a) recorded, including the amounts and locations from which the product was retrieved, along with its disposition; and
- (b) forwarded to the board on a daily basis so that an up-to-date status report can be generated.

***Evaluation of the Recall.***

98. (1) A recalling company shall be responsible for ensuring that a recall is effective by conducting effectiveness checks.

(2) The purpose of an effectiveness check is to verify if the recall notification letter was received, read and understood by the customer and whether the recall instructions was followed.

(3) The effectiveness check shall also verify that the recall reached the appropriate level in the distribution chain.

(4) The effectiveness check is for evaluating the effectiveness of the recall.

(5) If the effectiveness checks indicate that the recall notification was not received, read or instructions were not followed, then necessary steps shall be taken to make the recall effective.

***Notification Phase.***

99. (1) If a class I recall is warranted, the first group to be notified shall be the Board, retailers, consumers, processors, city council, public health unit and other relevant stakeholders such as the media in the affected marketing areas.

(2) In the event of any recall, a record of the facts known and what corrective action has taken place shall be kept.

(3) Notification shall be by means of a telephone, fax, email, or personal contact and the severity of the recall will determine which method is used.

(4) Regardless of which method is used, each person making contact with the customers shall keep a written report outlining who was contacted, the business location, and time and date of contact.

(5) A press release shall be promptly issued in a situation where the product may pose a significant health hazard and recalled product is in the hands of consumers.

#### ***Termination of the recall.***

100. (1) A termination of a recall shall be done after all possible information sources and actions have been received and it is reasonable to assume that the recalled product has been recovered, corrected, reconditioned, or destroyed.

(2) There shall be a follow-up inspection by the Board and other related agencies such as city council, public health unit and other relevant structures to verify that the reason for the recall has been corrected.

(3) The affected party or the agent issue a report to the Board, local authority, public health and other relevant stakeholders on the reason for the recall and corrective actions and steps to prevent re-occurrence of the threat.

(4) A final status report and documentation of recalled product disposition shall be provided to the board, city council and public health unit and other relevant stakeholders.

(5) A recall across the border shall be facilitated by the dairy board inspectors or approved agencies.

(6) All relevant stakeholders shall have their product recall or returns policy and plan in place.

## PART XXI

### E-COMMERCE OR E-BUSINESS

#### ***E-commerce or e-business***

101. The Board may decide that any or all of the services provided to clients be done using electronic and computer networks, such as the internet.

## **PART XXII**

### **TRADE RETURN PLAN**

#### ***Trade return plan.***

102. (1) In order to ensure that the process of returns is handled in the most effective manner to minimize the impact that spoiled products have on the profitability of the undertaking, all parties shall accept responsibility and apply the process or policy of returns meticulously.

(2) The representative or merchandiser supervisor as well as the responsible store or perishable manager shall ensure that the product is sorted, weighed and sealed in plastic bags and gathered in the reception area.

(3) The different categories of returns shall include farm faults, plant faults, and damages by the store, fridge breakdowns, distribution faults, transport faults, or legal returns.

(4) Trade returns, prevention, control, management, communication, eradication and mock trade returns plans shall be in place for all the industry stakeholders who include farmers, producers, processors, manufacturers, transporters, distributors, wholesalers, retailers, traders, importers and exporters.

(5) Trade returns across the border or a product for rework as approved by the dairy board inspectors be facilitated by an Eswatini Revenue Authority official, Home Affairs official, the police and the any other relevant inspectors from approved agencies within a reasonable period of time.

#### ***Dated stock.***

103. (1) A distributor, importer, processor, farmer, producer, manufacturer, trader, wholesaler, and retailer shall ensure that no “undated stock” is sent to stores.

(2) A retailer, sales representative, merchandiser or merchandiser supervisor shall not accept any “undated stock”.

#### ***Products damaged by store.***

104. (1) A damaged product in the store shall be pointed out to the manager of the store or any person responsible, in particular where and when the problems occurred.

(2) Steps to prevent similar future damage shall be implemented and monitored with that store official.

#### ***Plant faults.***

105. Plant faults shall be clearly indicated on all forms, that may include spoilages such as sour taste, blown, mould, dirty, short dated, leakers, no date or wrong date, over or under fill labels and packaging.

#### ***Cooling or equipment problems.***

106. (1) A damaged product shall be a responsibility of the product holder at the time the damage occurs, the one who under normal circumstances claim from the products’ insurance.

(2) All stakeholders from top to bottom of the value chain shall be responsible and maintain cold chain at all times.

***Returns collation.***

107. (1) Product returns shall be ordered on regular basis.

(2) The field staff shall do a floor walk and check for damages, expired, and factory fault products on a daily basis.

(3) In the event damages and expired products are discovered, these shall be removed from the shelves.

(4) Quality or factory fault products shall be removed from shelves and put in a separate place and shall be quickly disposed.

(5) The product code, description, expiry date, quantity and correct reasons for disposal shall be recorded.

(6) The good stock returns shall not be mixed with 'bad' stock returns.

(7) Fridge breakdown returns, rat eaten returns, store damages due to negligence shall not be taken back to the market but shall be disposed of using a disposal plan in place.

(8) Field staff or agents shall manage stock control in store by taking proactive corrective action in good time to minimize returns.

(9) Selling of expired products, or after best before or after sell by date products is prohibited.

(10) The concerned parties shall have a plan in place to dispose expired products.

***Short dated products.***

108. (1) A short dated or markdown shelf life product shall be identified and not be overstocked.

(2) When the industry stakeholders who include farmers, producers, processors, manufacturers, transporters, distributors, wholesalers, retailers, traders, importers and exporters discover a faulty product in their line of business that product shall be removed immediately.

(3) A batch number or expiry date shall be recorded to determine the cause of the defect of a product.

(4) A sample of the defective product shall be returned to the source or plant or laboratory so that the necessary tests can be conducted.

(5) Upon receiving results from the laboratory or quality manager doing the test, written instructions shall be given to the concerned parties to remove a product from the trade and the Board shall be informed.

(6) The concerned party shall check the batch number, where applicable, of the product in other areas to determine how widespread the problem is and give feedback to the quality manager responsible for the specific product, as well as to the Board.

(7) Dairy industry stakeholders such as a sales representative or merchandising supervisor, shop, distributor, trader and merchandiser shall familiarize themselves with trade shelf life specification documents on standard shelf life to ensure proper stock rotation on shelves.

(9) The necessary equipment shall be available for checking and maintaining the cold chain, including thermometers, temperature monitors in delivery trucks of outgoing and incoming products.

(10) When complaints received on products exceed the norm, all the concerned stakeholders shall initiate investigations to determine if there is a quality problem with a total batch which may necessitate a product recall.

(11) Donated products shall always be good quality products fit for human consumption.

(12) All products returned from the trade due to quality problem appropriate manner.

(13) Dairy industry stakeholders such as farmers, producers, processors, manufacturers, transporters, distributors, wholesalers, retailers, traders, importers and exporter take shall have insurance cover for all possible claims.

(14) All the relevant stakeholders shall assist in cross border trade returns.

## PART XXIII

### CONSUMER PROTECTION PLAN

#### ***Applicability of plan.***

109. (1) This part applies to any transaction in which dairy and a dairy related product is supplied or offered to be supplied, or where a person is exposed to any goods or services regardless whether any supply actually took place, as long as the consumer is a natural person or a juristic person.

(2) A person who is exposed to marketing and consumption of a dairy product is considered a consumer.

(3) There need not be a direct relationship between the manufacturer or producer and the end user for application of this part.

#### ***Discriminatory marketing.***

110. (1) These Regulations prohibit discriminatory marketing between consumers on any grounds such as race, gender, sexual orientation, religion.

(2) Discrimination based on purely commercial reasons, such one based on milk distribution areas which is economically viable, shall be permitted.

(3) Notwithstanding sub- regulation (2), extreme care shall be exercised not to discriminate between various small retailers who are considered consumers, these may include corner shops, spaza shops in the rural areas, urban and peri-urban areas.

***Inspection and delivery of goods.***

111. (1) A consumer has a right to inspect goods before accepting delivery or consumption, especially when deliveries of perishable products such as milk and other dairy products are made by producers to small processors or to small retailers considered to be consumers.

(2) If the consumer is not permitted to inspect the products before accepting delivery, the consumer may reject the delivery and demand a full refund.

(3) Milk, dairy, dairy related products and dairy blends must be well labelled and displayed separately to avoid malpractice and confusion

***Labelling and marketing.***

112. (1) Where any direct marketing to consumers is undertaken, this shall be limited to the times and days permitted by the authorising officer, and the consumer shall be given an option to either pre-emptively opt out from all or certain direct marketing, or to opt out from a specific supplier.

(2) A charge shall not be imposed to a consumer for either opting out or for responding to direct marketing with a request not to be contracted again.

(3) Where promotional competitions are held, the rules of the promotion shall be strictly in support of the consumer and there shall be enough prizes or awards to satisfy the demand which results there from and only the actual cost of communication may be charged to an entrant.

(4) The use of specific languages in documents, forms, and notices is not prescribed and where specific forms, notices and documents are prescribed then such shall be used but in all other cases where no prescribed format exists, plain language shall be used such that it is reasonable to conclude that an ordinary consumer for whom the notice is intended could be expected to understand the content, significance and import thereof without undue effort.

(5) In the context of dairy products, where any statements as to the benefits of the product or special characteristics of the product are advertised or appear on labelling, great care shall be taken to ensure that consumers will understand the content, significance and importance thereof.

(6) In so far as labelling, marketing, and advertising are concerned, any misrepresentations to consumers, whether direct or indirect is prohibited, and where a supplier is aware that a consumer has a misapprehension as to any fact then it shall be considered a deception not to put the consumer right and correct the misapprehension.

(7) No advantage shall be taken out of a consumer's inability to look after that consumer's own interests due to literacy, blindness, deafness, inability to understand a language, age and the like.

(8) All products shall be clearly labelled as a "Fresh Dairy Products", "Fresh Milk", "Reconstituted milk product", "Recombined milk product", or "Reconstituted dairy product" in line with the definitions set out in these Regulations, with this information appearing on the main panel in a letter size to be determined by the Board.

(9) All imported milk and milk related products shall comply with the labelling requirements set out by the Board.

***Right to goods which are safe and of good quality.***

113. (1) There shall be a warrant of quality, right to safe and good quality goods and warnings concerning the fact and nature of risks associated with goods, safety monitoring and recall of products and liability for damages.

(2) A Schedule on standards of testing procedures for milk and milk products shall be published by the Board annually or such periods as deemed necessary.

(3) A trader shall not distribute products that are in the last quarter of their useful life, such as the time between the production and expiry date.

***Liability for damages.***

114. (1) Liability for damages is not only in terms of these Regulations but also in existing common law liability and criminal law liability.

(2) The supplier may be charged for damages caused wholly or partly as a consequence of supplying unsafe goods, a product failure, defect or hazard in any goods, or inadequate instructions or warnings provided to the consumer pertaining to any hazard arising from or associated with the use of any goods.

(3) Some of the causes from which claims could arise may include –

(a) allergic reactions to ingredients in dairy products of which the consumer has not adequately been warned;

(b) foreign objects in products;

(c) adulteration of products by melamine and other substances which causes harm to consumers; or

(d) food poisoning and other food safety related situations.

(4) It shall not be a defence to a claim by a consumer against a farmer, producer or importer, exporter, trader, wholesaler, distributor, processor and possibly a retailer for damages due to defective products or product failure for the seller, or anyone else in the supply chain, to show there was no negligence on their part or that liability was excluded or limited in terms of a term such as a warrantee.

(5) The only defences open to a person in the supply chain may include, scientific evidence that proves that-

(a) the unsafe product characteristic, failure, defects or hazard that results in harm is wholly attributable to compliance with any public regulation; or

(b) the alleged unsafe product characteristic, failure, defect or hazard-

(i) did not exist in the goods at the time it was supplied by that person to another person alleged to be liable;

(ii) was wholly attributable to compliance by that person with instructions provided by the person who supplied the goods to that person; or

- (iii) it is unreasonable to expect the farmer, manufacturer, producer, wholesaler, retailer, importer, exporter, trader or processor or distributor to have discovered the unsafe product characteristic, failure, defect or hazard, having regard to that person's role in the goods to consumers.

(6) To counter the no fault liability, a farmer, manufacturer, producer, wholesaler, retailer, importer, exporter, trader or processor or distributor, shall have both administrative and laboratory systems to test products and keep accurate records.

***General information for protecting consumers.***

115. (1) A consumer has a right to receive goods that are, reasonably suitable for the purposes for which they are generally intended for, are of good quality, comply with any applicable standards, in good working order and free of any defects, will be useable and durable for a reasonable period of time.

(2) It shall be irrelevant whether a product failure or defect was latent or patent or whether it could have been detected by the consumer before taking delivery of the goods unless the consumer has been expressly informed that particular goods were offered in a specific condition, and has expressly agreed to accept the goods in that condition.

(3) A consumer is entitled to dairy products which have the product characteristic as indicated on the packaging.

(4) A dairy product shall be safe and shall not contain any foreign object nor be produced using any undesirable additives or packed in material which would detract from its safety suitability.

(5) A product shall always comply with all agricultural product standards, food labelling requirements, and compulsory specifications.

(6) Where a consumer states a requirement for a particular dairy product intended to be used as an ingredient, the product shall satisfy the requirement or else the consumer shall be refunded or the product replaced, in addition to any damages claimed.

(7) The farmer, manufacturer, producer, wholesaler, retailer, importer, exporter, trader or processor or distributor and the retailer shall each warrant that the goods comply with the requirements and standards contemplated above and that the retailer, cannot simply return the consumer back to the supplier when a situation arises.

(9) The person to whom the consumer takes back the product shall either replace or refund the price paid at the direction of the consumer.

(11) The role of the Board is to ensure that dairy producers and processors fulfil their obligations in supplying safe, good quality dairy and dairy related products.

(12) The Eswatini Dairy Board and other relevant authorities shall have the power to investigate an industry which it considers to be under suspicion of carrying out prohibited conduct, such as adulteration of a product or unsafe or poor-quality product.

(13) The Board shall play an important role in negotiating and contributing to the regulatory and developmental framework of the industry.

(14) In addition, the Board shall play an important role in both the consumer and industry education.

(15) The Board shall approve, accredit, licence, control and regulate all dairy and dairy related training and education service providers, dairy feed companies and other dairy and dairy related input suppliers in Eswatini.

(16) The Board shall actively support and facilitate the promotion of the production and consumption of good quality milk and milk products in the country

(17) Research and development projects shall be initiated and developed by the dairy industry stakeholders with the Board taking a leading role to improve the quality and safety of dairy products.

(18) The Board shall address problems which arise in the industry to ensure a reduction in the consumer complaints and claims in respect of product quality and safety issues.

## **PART XXIV**

### **DAIRY INDUSTRY PROMOTION AND CONTROL**

#### ***General levy.***

116. (1) The Minister may, on the recommendation of the Board and by Notice published in the Gazette, impose a dairy levy on farmers, processors, producers, importers, exporters, distributors, traders, or manufacturers, of dairy and dairy related products which shall be used as provided by sub-regulation (3).

(2) Such dairy levy shall be mandatory and be paid to the Board at such time, and in such manner as is specified in the notice.

(3) The Board may use the dairy levy for the purposes of meeting the expenses of the board, support and improve the dairy industry in Eswatini.

(4) The dairy levy shall be based on the total invoice value and/or total quantities of a dairy product imported into, including transiting or exported from or produced or traded in Eswatini.

(5) The Minister may review the dairy levy charged annually or on such shorter period as the Minister deems expedient.

#### ***Special levy.***

117. (1) The Minister may, as a safeguard measure through a notice on the recommendation of the Board impose levies, tariffs whether specific or in proportion to the estimated value of the goods or concerned transaction, licences, voluntary import and export restraints, promotion of local content requirements in the industry and quotas on farmers, processors, producers, importers, exporters, distributors, traders, or manufacturers, of dairy and dairy related products which shall be used as provided in sub-regulation (3).

(2) Sub-regulation (1) above may be imposed at such time, and in such manner as is specified in a notice.

(3) Sub-regulation (1) and (2) may be imposed for the purpose of promoting domestic employment, promoting the dairy industry, protecting consumers and developing the country's economy.

(4) Sub-regulation (2) may consider the duration, impact and effects of the notice.

(5) The Minister may review the Notice annually or such shorter period as the Minister deems expedient to do so.

(6) Special levy shall be in addition to the general levy

***Powers of the Board's to charge for services.***

118. The Board may impose a charge for the permits, licences, inspections, audits, penalties, fees and for any other services carried out for the industry stakeholders pursuant to the Act, the Regulations and the schedule of fees.

PART XXV

OFFENCES AND PENALTIES

***Offences related to registration.***

120. (1) A person who fails-

- (a) to apply for registration to be a farmer, producer, processor, distributor, importer, exporter, manufacturer, trader and service provider but conducts business as such;
- (b) to notify the board of a change in circumstances as required by these Regulations; or
- (c) to apply for cancellation of registration as required,

commits an offence and shall be liable to a fine not exceeding five (E5,000.00) Emalangeni.

***Offences related to permits of import, export, emergency, transit, invoices, declaration forms and licences.***

121. (1) A person who fails to provide a permit for import, export, emergency, transit or an invoice, declaration forms and licences to the Board or relevant authorised officer commits an offence and shall be liable on conviction to a fine not exceeding three times the invoice value or to imprisonment for a term not exceeding three (3) years.

(2) A person who provides a permit for import, export, emergency, transit or an invoice, a declaration form or a licence otherwise than as is provided for under these Regulations commits an offence and shall be liable on conviction to a fine not exceeding three times the invoice value or to imprisonment for a term not exceeding six (6) years, or both.

***Failure to submit a permit.***

122. A person who fails to submit a permit or any other document under these Regulations within fifteen (15) days of being so required commits an offence and shall be liable to a fine not exceeding three times the invoice value of the previous submitted permit or to a term of imprisonment not exceeding twelve (12) months.

***Failure to pay levy and other fees.***

123. (1) A person who fails to pay a levy when due commits an offence and shall be liable to a fine not exceeding three times the invoice value or to imprisonment for a term not exceeding six (6) years, or both.

(2) A person who fails to pay for a permit and a licence fee when due commits an offence and is liable to a fine not less than three times the invoice value or to imprisonment for a term not exceeding three (3) years, or both.

***Smuggling of products.***

124. (1) A person who smuggles a dairy product commits an offence and shall be liable to a fine not exceeding three times the invoice value of that product or to imprisonment for a term not exceeding six (6) years, or both.

(2) In addition to imposing a penalty, the goods smuggled shall be confiscated by the Board in collaboration with the Eswatini Revenue Authority.

***Failure to maintain proper records.***

125. A person who, whether deliberate or reckless, fails to maintain proper records under these Regulations commits an offence and shall be liable on conviction to a fine not exceeding five percent (5%) of that person's annual total revenue or to imprisonment for a term not exceeding six (6) years, or both.

***Failure to provide reasonable assistance.***

126. A person who fails to provide the Board or authorized officer with all reasonable assistance as required by these Regulations commits an offence and shall be liable to a fine not exceeding ten thousand Emalangi (E10,000,00) or to imprisonment for a term not exceeding three (3) years, or both.

***Improper use of licence and permit numbers.***

127. A person who knowingly uses a false licence and a permit number, including the licence and a permit number of another person, commits an offence and, shall be liable on conviction to a fine not exceeding three times the invoice value of that person's correct previous permit or to imprisonment for a term not exceeding three (3) years, or both.

***False or misleading statements.***

128. (1) A person who –

- (a) makes a statement to an officer that is false or misleading; or
- (b) omits to give information in order to mislead,

commits an offence and is liable on conviction to, a fine not exceeding fifteen thousand Emalangi (E15 000,00) or to imprisonment for a term not exceeding three (3) years, or both.

(2) It is a defence to an accused person to prove that the accused person did not know and could not reasonably be expected to have known that the statement to which the prosecution relates was false or misleading.

(3) A reference in this regulation to a statement made to an officer is a reference to a statement made orally, in writing, or in any other form to that officer acting in the performance of duties under these Regulations and includes a statement made-

- (a) in an application, certificate, declaration, notification, return, objection, permit, licence or other document made, prepared, given, filed, or furnished under this Act and regulations;
- (b) in information or in a document required to be furnished under the Act and these Regulations;
- (c) in answer to a question asked of a person by an officer; or
- (d) to another person with the knowledge or reasonable expectation that the statement would be conveyed to an authorised officer.

***Obstructing an officer of the Board.***

129. A person who obstructs the Board or an authorized officer in the performance of the Board or authorised officers' duties under these Regulations commits an offence and is liable on conviction to a fine not exceeding twenty thousand Emalangeneni (E20,000.00) or imprisonment for a term not exceeding four (4) years, or both.

***Offences by officers.***

130. (1) An officer or any other person employed in carrying out the provisions of these Regulations who-

- (a) directly or indirectly asks for, or takes in connection with any of the officer's duties, any payment or reward whatsoever, whether pecuniary or otherwise, or any promise or security for any such payment or reward, not being a payment or reward which the officer was lawfully entitled to receive;
- (b) enters into or acquiesces in any agreement to or plots to do any act whereby the Board is be defrauded or which is contrary to the provisions of these Regulations or to the proper execution of the officer's duty; or
- (c) does not preserve secrecy with regard to all information or documents which may come to their knowledge in an official capacity in the performance of duties under these regulations,

commits an offence and is liable to a fine of twenty thousand or to a term of imprisonment of four (4) years.

(2) Any person who -

- (a) directly or indirectly offers or gives to any officer payment or reward, whether pecuniary or otherwise, or any promise or security for such payment or reward; or
- (b) proposes or enters into any agreement with any officer in order to induce such officer to do, or to abstain from doing, any act or thing whereby the

Board is, which is contrary to the provisions of these Regulations or the proper execution of the duty of such officer,

commits an offence and is on conviction, liable to a fine not exceeding twenty thousand Emalangeneni (E20,000.00) or to four years imprisonment.

***Schemes for obtaining undue benefit from the Board.***

131. A person who sets up, assists, facilitates, or is involved directly or indirectly in a scheme for obtaining undue benefits from the Board commits an offence and is liable on conviction to fine

not exceeding twenty-five thousand Emalangeneni (E25,000.00) or to imprisonment for a term not exceeding five (5) years or both.

***Compounding of offences.***

132. The Board may at any time prior to the commencement of proceedings on certain offences under these Regulations, compound the offence and order the person to pay a specific sum of money not exceeding the amount of the fine prescribed for that offence.

(2) The Board shall only compound an offence if the person concerned admits in writing that that person committed the offence.

(3) Where the Board compounds an offence, such order-

- (a) shall be in writing and specify the offence committed, the sum of money to be paid, and the due date for the payment, and shall have attached the written admission of guilt;
- (b) shall be served on the person who committed the offence;
- (c) shall be final and not subject to any appeal; and
- (d) may be enforced in the same manner as an order of a court for the payment of the amount stated in the order.

(4) Where the Board compounds an offence, the person concerned shall not be liable for prosecution in respect of that offence or to an additional fine.

(5) If the concerned person does not pay the compounded amount within the time limit stated by the Board, the compounding shall be considered null and void and prosecution shall be carried into effect as well as imposition of additional fines.

***Failure to comply with product declarations.***

133. (1) A person who fails to comply with-

- (a) declarations of products; or
- (b) the other relevant requirements of these Regulations,

commits an offence and is liable to a fine not exceeding three times the invoice value of the goods not declared or to imprisonment for a term not exceeding six (6) years, or both.

(2) In addition to imposing a penalty the goods not declared will be confiscated by the Board in collaboration with the Eswatini Revenue Authority.

***Offences not specified in these Regulations.***

134. A person, who commits an offence under the Act or these Regulations other than all offences mentioned, is liable to a fine not fifteen thousand Emalangeneni (E15, 000.00), exceeding

three times the invoice value or to imprisonment for a term not exceeding three (3) years, whichever is greater.

***Plan to dispose off confiscated products.***

135. Where an edible product is confiscated such product shall be donated to a chosen orphanage but if not, edible it may be auctioned by the Board in collaboration with the Eswatini Revenue Authority.

PART XXVI  
GENERAL PROVISIONS

***Rules, orders, guidelines and schedules by the Chief Executive Officer of the Board.***

137. The Chief Executive Officer may from time to time make rules, orders, Schedules and guidelines that will be in line with these Regulations for the operation of the dairy industry.

***Savings.***

138. Save as where specifically provided in these Regulations, these Regulations shall prevail where any other regulations in relation to dairy products are in conflict or inconsistent with these Regulations.

PART 27  
SCHEDULES

***This is a collection of supplementary material in an effort to achieve clarity and brevity in the main document i.e. the Regulations. For this reason, these schedules are part of the main Regulations and therefore should be treated as such.***

***Arrangement of Sections***

Schedule 1	-	Registration
Schedule 2	-	Management of food safety and suitability
Schedule 3	-	Structural requirement
Schedule 4	-	Operational hygiene
Schedule 5	-	Preparation and transport

Schedule 6	-	Product standards
Schedule 7	-	Trade description
Schedule 8	-	Identification, tracing system, integrity and transfer
Schedule 9	-	Documentation
Schedule 10	-	Approved auditors
Schedule 11	-	Classes, Standards and Quality for Milk and Milk Standards
Schedule 12	-	Sampling and Method Analysis
Schedule 13	-	Codex Alimentarius Dairy and Dairy Related Standards

## ***Schedule 1***

### ***Registration***

#### **1.**

##### **Plans and specifications for application for registration**

(1) Plans and specifications of an establishment and equipment for use in operations to prepare milk and milk products at an establishment must:

- (a) Accompany the application for registration of the establishment; or
- (b) Be made available to the Board on request.

(2) The plans and specifications must be sufficiently detailed to show whether the establishment and equipment would, if constructed in accordance with the plans and specifications, be suitable for the preparation (in accordance with the requirements of these Regulations) of the milk and milk products to be undertaken at the establishment.

#### **2.**

##### **Plans for establishments**

(1) The plans must include:

- (a) A locality map showing the site; and
- (b) A site plan showing:
  - (i) The layout of the entire premises; and
  - (ii) Access roads and roads at the establishment; and
  - (iii) The water supply; and
  - (iv) Storm water and waste water drainage; and
  - (v) On site waste disposal (if any); and
  - (vi) The amenities; and

- (vii) All features of the site and its location that are relevant to whether the premises would comply with the applicable requirements of these Regulations; and
- (viii) Adjoining sites including location of adjacent establishments; and
- (ix) The north compass point; and
- (x) The scale used in the plan; and

(c) A floor plan of all milk and milk product handling areas (including laboratories) showing all permanent fixtures and the layout of equipment (other than implements and utensils); and

(d) A description of all equipment (other than implements and utensils) for use in the preparation of milk and milk products at the premises.

(2) The specifications must show details of:

- (a) Construction materials of the premises including fixtures; and
- (b) Construction materials of the equipment (other than implements and utensils) used in food handling areas; and
- (c) Surface finishes; and
- (d) Surfaces in contact with milk, milk products or ingredients; and
- (e) Essential services.

(3). (a) Proposals for plans and specifications relevant to an alteration or addition to an establishment and equipment for use in operations to prepare milk and milk products at the establishment must:

- (i) Accompany the proposal for the alteration or addition; or
- (ii) Be made available to the Board on request.

(b) The plans and specifications must be sufficiently detailed to show whether the establishment and equipment would if altered or extended in accordance with the plans and specifications, be suitable for the preparation (in accordance with the requirements of these Regulations) of milk and milk products to be undertaken at the establishment.

(4) The plans and specifications for an alteration or addition must contain such information specified in clauses 2(1) and (2) of this Schedule as is relevant to the alteration or addition.

(5) Approval to prepare milk and milk products in an unregistered establishment. The intention of this Part is to facilitate the processing of small volumes of milk and milk products from unregistered establishments for the purpose of testing the markets for new products while ensuring that fitness for human consumption is maintained.

(6) (a) A person who is or is to be the occupier may apply to the Board for approval to prepare milk and milk products of the kind specified in the application as food in an unregistered establishment.

(b) The application must:

- (i) Describe each process to be used in preparing the milk and milk products; and
- (ii) Identify the products to which it is intended to be produced

(iii) Milk source.

(c) If the Board is satisfied that the applicant will comply with:

- (i) The requirements of these Regulations; and
- (ii) The applicable processing requirements;

The Board may give the applicant approval to prepare at the unregistered establishment milk and milk products of the kind specified in the approval as products specified.

(d) The approval takes effect:

- (i) On the day specified in the approval as being the day it takes effect; or
- (ii) If no such day is specified — when written notice of the approval is given to the applicant.

(e) The notice must specify:

- (i) The period within which the unregistered establishment must operate, being a period of not more than 12 months after the day on which the approval is granted; and
- (ii) The number of the products prepared at the establishment; and
- (iii) The identification number assigned by the Board to the establishment.
- (iv) The unregistered establishment must apply for registration to be a registered establishment before the end of the 12-month period given if they intend to continue after the lapse of their licence

(7) No more than one approval may be 1 for milk and milk products prepared in the unregistered establishment being milk and milk products of the kind specified in the application that are specified in the application.

(8) If the Board decides not to give approval the Board must give the applicant written notice of:

- (a) The decision; and
- (b) The reasons for the decision.

### 3.

#### **Exemption from compliance with regulations**

(1) The Board may:

- (a) specify in the approval given under subclause 6(c) of this Schedule that one or more of the requirements of the provisions of Schedule 2 specified in the approval do not apply in relation to the establishment; and
- (b) By written notice vary or revoke the specification made under subsection 1 (a).

(2) If the approval has effect the requirements specified in the notice do not apply in relation to the establishment.

(3) The Board may:

- (a) Give approval under subclause 6 (c) of this Schedule subject to conditions specified in the notice of approval; and

(b) By written notice given to the person whom the approval is given impose new conditions or vary or revoke the conditions.

(4) The conditions must be for the purpose of ensuring that, in relation to the milk and milk products to which the approval relates there is compliance with one or more of the objectives specified.

#### **4.**

##### **Revocation of approval**

(1) The Board may, by written notice given to the person to whom the notice of the approval was given under subclause 6 (d) of this Schedule, revoke the approval if the Board has reasonable grounds to believe:

- (a) A circumstance specified in section 29 (1) (a) to (f) of Schedule 2 exists; or
- (b) The person to whom the approval is given ceases to be the occupier of the establishment.

(2) The revocation takes effect:

- (a) On the day specified in the written notice of the revocation given as being the day it takes effect; or
- (b) If no such day is specified — when the written notice of the revocation is given.

#### **5.**

##### **Termination of approval**

(1) The occupier may terminate the approval by giving the Board written notice of the termination.

(2) The termination takes effect:

- (a) On the day specified in the written notice of the termination given as being the day it takes effect; or
- (b) If no such day is specified — 7 days after the notice is given to the Board.

#### **6.**

##### **Effect of revocation or termination**

(1) On revocation or termination:

- (a) The approval ceases to have effect; and
- (b) The requirements, that under subclause 3.2 do not apply in relation to the establishment, apply.

## *Schedule 2*

### *Management of food safety and suitability*

7.

#### *General requirements*

(1) The commitment of the occupier to:

(a) Compliance with the requirements of these Regulations and applicable country requirements; must be documented.

(2) Minimum requirements for approved arrangements

An arrangement for the preparation of milk and milk products at an establishment that is required for the purposes of these Regulations must cover each step of the preparation of milk and milk products undertaken at the establishment and must:

(a) Contain a HACCP plan; and

(b) Document the controls used to ensure that the applicable requirements of these Regulations (other than a requirement of Schedule 3) are complied with; and

(c) Identify the applicable importing or exporting country requirements and document the controls used to ensure compliance with these requirements; and

(d) Document any other measures necessary to ensure there is a sound basis for giving any permit, licence or issuing any government permit for milk and milk products prepared at the establishment.

Subsection 1 (c) applies only to each importing or exporting country requirement for which compliance with these Regulations would not be sufficient to result in compliance with the importing or exporting country requirement.

(3) HACCP plan

(a) The HACCP plan must identify each of the steps in the preparation of the milk and milk products. A flow chart may be used.

(b) For each step the HACCP plan must identify the potential hazards that may reasonably be expected to occur.

(c) The HACCP plan must identify the means of control of each potential hazard.

(4) Despite subsection 3 hazards controlled by meeting the operational hygiene requirements of these Regulations need not be identified as part of the HACCP plan. Operational hygiene requirements referred to cleaning, pest controls, hazardous substances and the like must be included as part of the approved arrangement.

(5) For each significant hazard that is identified the HACCP plan must identify:

- (a) The critical control points; and
  - (b) The critical limits; and
  - (c) The procedures to be used to monitor the potential hazards to ensure compliance with each critical limit including:
    - (i) The frequency with which these procedures are to be performed; and
    - (ii) The people who are to carry out these procedures; and
  - (d) The corrective action to be taken if a critical limit is exceeded.
- (6) The action that is referred to in paragraph 3.5 (d) includes:
- (a) Action to address the fact that the critical limit is exceeded; and
  - (b) Action to ensure that the exceeding of the critical limit is not repeated; and
  - (c) An assessment of the effectiveness of the action taken.
- (7) The HACCP plan must identify procedures used to verify compliance with the HACCP plan and the frequency with which these procedures are to be performed.
- (8) The HACCP plan must provide for records to be made and documents to be kept to demonstrate compliance with the HACCP plan and its effectiveness.

**(8)**

***Significant hazard***

A significant hazard means a hazard that is of such a nature that its elimination, control or reduction to an acceptable level is essential to the production of safe food.

**(9)**

**Management practices**

The management practices, organisational structure, provision of resources and the provision of personnel and their competence (including knowledge, training, skills and experience) must:

- (a) Be documented; and
- (b) Be appropriate to ensure each of the following are met:
  - (i) The applicable requirements of these Regulations;
  - (ii) The applicable importing or exporting country requirements.

**(10)**

**Verification**

Whether the following are complied with must be frequently verified:

- (a) The applicable requirements of these Regulations; and
- (b) The importing or exporting county requirements identified in the approved arrangement.

**(11)****Written record**

A written record must be made of:

- (a) The methods, procedures, tests, monitoring and other evaluations used to verify compliance; and
- (b) The results of the verification.

**(12)****Corrective and preventative action**

**(a)** If a requirement of these Regulations or an importing or exporting country requirement identified in the approved arrangement is not complied with or is not likely to be complied with, action must be taken:

- (i) To address the fact why the requirement is not complied with or is not likely to be complied with; and
- (ii) To ensure that the failure to comply with the requirement, or the likelihood that it is not complied with, does not recur; and

b) The effectiveness of the action taken must be assessed based on the set and approved operating standards

- (c) A written record must be made of the action referred to in subsection 1 (a) that is taken and the assessment of its effectiveness.

**(13)****Internal audit and management review**

**(a)** A written record must be made of:

- (i) The internal audits and managements reviews conducted every Twelve (12) Months or when necessary; and
- (ii) The results of the audits and reviews.

**(b)** For an establishment employing less than three people subclause 7.1 is taken to be satisfied if a management review is conducted.

**(14)****Sampling and analysis**

**(a)** Sampling and the analysis of a sample made for the purposes of these Regulations must be made in accordance with the method for sampling and analysis specified in these Regulations.

**(b)** If a method of sampling and analysis is not specified in these Regulations the sampling and analysis must be made in accordance with:

- (i) An applicable method specified in the regulations; or
- (ii) An applicable method specified in a relevant standard published by any recognised or approved national, regional or international standard setting bodies such as Eswatini Standards Authority (ESA); or

(iii) Any other validated science-based method that is appropriate for the sample to be tested and that ensures the accuracy of the results obtained.

**(15)**

**Notifiable diseases**

If:

(a) The occupier is aware that the milk and milk products are derived from a cow that is affected by or is suspected of being affected or infected by a notifiable disease or disease; the occupier must notify a competent Veterinary official without delay.

**(16)**

**Requirement to retain documents**

(a) Each document that is made by the occupier or that comes into the possession of the occupier; and is relevant to whether the occupier complies with:

(i) The requirements of the Act, these Regulations or the occupier's approved arrangement or a condition of that arrangement; and

(ii) The importing or exporting country requirements identified in the approved arrangement; must be retained for a period of not less than three years from the time the document is made by the occupier or comes into the occupier's possession (as the case may be).

(b) If an occupier, fails to comply with subclause 1 the occupier is guilty of an offence.

**(17)**

**Application for approval**

(a) The arrangement for which approval is sought must:

(i) Accompany the application; and

(ii) Be made available for evaluation by the Board.

**(18)**

**Assessment of application and Board's decision**

(a) For the purposes of assessing the application the Board must:

(i) Evaluate the arrangement in a desk audit; and

(ii) Conduct an inspection of the establishment, facilities, equipment and services to be used in the operations.

(b) The Board may in order to consider the application request of any of the following that the Board reasonably requires:

(i) Further information or documents of the kind specified by the Board;

(ii) A demonstration of the operations and procedures to be followed;

(iii) The applicant's consent to the use (at the applicant's expense) of an appropriately qualified person nominated by the Board in any inspection, evaluation or demonstration.

**(19)**

**When the Board is taken to have refused the application**

(a) If the Board has not made a decision on whether to approve the arrangement within 60 days after the day the application is received (not including any period between the Board making a written request under section 19(b) and the applicant meeting the request) the Board is taken to have refused the application.

(b) Subject to 20 (a) the Board may write a letter stating the grounds of refusal and a corrective action which the applicant can do so the application can be successful.

**(20)**

**When the Board may approve the arrangement**

(a) The Board may by written notice given to the applicant approve the arrangement if the Board is satisfied that the arrangement complies with subsection 2 of this Schedule; and compliance with the controls specified in the arrangement will ensure that:

- (i) The requirements of these Regulations will be complied with at the applicant's establishment; and
- (ii) The applicable importing or exporting country requirements will be complied with at the establishment; and
- (iii) There is a sound basis for giving any permit and issuing any government permit for milk and milk products prepared at the establishment

(b) The approval takes effect on the day specified in the approval as being the day it takes effect; or if no such day is specified — when written notice of the approval is given to the applicant.

**(21)**

**Notice of decision not to approve an arrangement**

(a) If the Board decides not to approve an arrangement, the Board must give the applicant written notice of the decision.

(b) The notice must set out:

- (i) The reasons for the decision; and
- (ii) The applicant's right to apply for reconsideration of the decision within a reasonable period of time.

**(22)**

**Approved arrangement may be subject to conditions**

(a) The Board may Approve an arrangement subject to conditions specified in the notice of approval; and by written notice given to the occupier impose new conditions or vary or revoke the conditions.

(b) The conditions must be for the purpose of ensuring that the matters specified or requested above is or are complied with.

(c) If there is a failure to comply with the arrangement or its conditions the Board may suspend or revoke the arrangement. A failure to comply may preclude the issue of any permit, or the issue of a government permit.

**(23)**

**Variation of approved arrangement**

(a) A record in writing must be made in writing of each variation of an approved arrangement.

(b) If an occupier, who must ensure the applicable requirements of this Schedule are complied with, fails to comply with subclause 1 the occupier is guilty of an offence.

**(24)**

**Variations requiring notification and approval before implementation**

(a) A proposed variation (or a proposed variation in combination with other variations) to an arrangement that has the potential to adversely affect:

(i) The likelihood of compliance with the requirements of these Regulations or an applicable importing or exporting country requirement; or

(ii) The fitness for human consumption or integrity of milk and milk products at the establishment; or

(iii) An accurate assessment being made as to whether: There is compliance with requirements of these Regulations or an applicable importing or exporting country requirement; or milk and milk products at the establishment are fit for human consumption and their integrity is assured; must not be implemented unless:

(b) The occupier makes a written application to the Board for approval to vary the arrangement; and

(c) The Board gives the occupier a written notice approving the variation. Variations need to be recorded. Variations not covered by clause 18 are to be considered for approval by the auditor at the time of audit.

(d) A proposed variation of a provision of an approved arrangement (or a proposed variation in combination with other variations) that identifies a person who may:

(i) Make a declaration

(ii) Complies or

(iii) Manufacture or possess an official marking device or manufacture, possess, apply, alter or interfere with an official mark or apply a resemblance; or

(b) Relates to any of the following:

(i) An alternative, procedure, standard or other requirement referred to these Regulations;

(ii) A control referred to these Regulations;

(iii) An alternative requirement or control referred to in these Regulations;

(iv) Compliance procedures must not be implemented unless:

(c) The occupier makes a written application to the Board for approval to vary the arrangement; and

(d) The Board gives the occupier a written notice approving the variation.

(3) If an occupier, who must ensure the applicable requirements of this Schedule are complied with, fails to comply with subsection 26 (1) (2) the occupier is guilty of an offence.

(25)

#### **Variations required by the Board**

(1) The Board may give the occupier a written notice requiring the occupier to submit a variation of an approved arrangement if:

(a) Circumstances relating to the preparation of milk and milk products at the establishment change; or

(b) the Board is not satisfied that compliance with the controls specified in the approved arrangement for the preparation of milk and milk products ensures that the matters specified in these regulations are complied with; or

(c) An applicable importing or exporting country authority requirement changes.

(2) The notice must:

(a) Specify the variation required; and

(b) Specify the period within which the variation must be submitted to the Board.

(3) The Board may give the occupier a notice approving the variation submitted.

(4) An occupier who is given a notice must not fail to submit the variation specified in the notice within the period specified.

(26)

#### **When an arrangement includes a variation**

(a) An approved arrangement includes a variation to the arrangement.

(b) If a variation is of a kind referred to in subclauses 26,27 of this Schedule, then the approved arrangement includes the variation only when the Board gives a notice approving the variation in accordance with paragraphs 26(1) (e) or 26.2 (d) or subclause 27.3 (as the case may be).

27.

#### **Suspension and revocation**

Grounds for suspension or revocation

(1) The Board may give the occupier written notice suspending or revoking the approval of an arrangement if the registration of the establishment is revoked or the Board has reasonable grounds to believe that:

(a) A requirement of any of the following is not complied by the occupier:

(i) These Regulations;

(ii) The occupier's approved arrangement or a condition of that arrangement (including an importing or exporting country requirement identified in that arrangement); or

(b) Compliance with the controls specified in the approved arrangement is unreliable or not effective in ensuring that the matters specified in subparagraphs (22) (1) (b) (i), (22) (1) (b) (ii) or (22) (1) (b) (iii) of this Schedule are met; or

(c) The occupier has, in an application or other document given to the Board or in a document or information that must under a requirement these Regulations or the occupier's approved arrangement or a condition of that arrangement be made or given, made a statement:

(i) that is false, misleading, or incomplete; or

(ii) For which there is no sound basis for making the statement; or

(d) The occupier fails to provide the assistance needed; or

(e) the occupier fails to make available to an authorized officer a document that, under a requirement of these Regulations or the occupier's approved arrangement or a condition of that arrangement, the occupier is required to retain; or

(f) A person designated in the approved arrangement as a person who may make a declaration referred to in Schedule 8 or Schedule 9 is not, or ceases to be, a fit and proper person.

(2) The suspension or revocation of the approval of the arrangement may be:

(a) In full; or

(b) In part, in respect of:

(i) One or more of the kinds of milk and milk products prepared at the establishment; or

(ii) One or more of the stages of preparation of the milk and milk products.

(3) The suspension or revocation takes effect:

(a) on the day specified in the written notice given under subclause 29 as being the day it takes effect; or

(b) If no such day is specified — when the written notice is given to the applicant.

## 28.

### Notice of suspension or revocation

(1) If the Board suspends or revokes the approval of an arrangement, the Board must give the occupier written notice of:

(a) The reason for the suspension or revocation; and

(b) The occupier's right to apply for reconsideration of the decision to suspend or revoke; and

(c) If the approval is suspended — the period of the suspension.

(2) A period of suspension must not exceed 12 months and may be extended only if the total period does not exceed 12 months.

**29.****Revocation of suspended arrangement**

- (a) The Board may revoke an approval of an arrangement that is suspended despite the fact that the period of suspension has not expired.
- (b) The Board may revoke an arrangement that is suspended on grounds that are the same as or similar to the grounds for the suspension.

**30.****Termination**

- (a) An occupier may terminate the occupier's approved arrangement:
- (i) In full; or
  - (ii) In part, in respect of:
    - (i) One or more of the milk and milk products prepared at the establishment; or
    - (ii) One or more of the stages of preparation of the milk and milk products; by giving the Board written notice of the termination.
- (b) The termination takes effect:
- (i) On the day specified in the written notice of the termination given as being the day it takes effect; or
  - (ii) If no such day is specified — 7 days after the notice is given to the Board.

Board may require the occupier to take action

- (c) If the approval of an arrangement (or part of an arrangement) at an establishment:
- (i) is suspended or revoked; or
  - (ii) Is terminated; the Board may, by giving the occupier a notice, require the occupier to take action within the period specified in the notice in respect of any of the following:
    - (iii) Any official marks held by the occupier;
    - (iv) Any permits or government permits issued or given for milk and milk products prepared by the occupier; and
    - (v) Any milk and milk products at the occupier's establishment.
- (d) The action referred to above must be action to ensure compliance with one of more of the objectives as they apply in relation to the occupier.
- (e) The notice must state that a failure to take the action specified within the time specified is an offence as specified in this Schedule.
- (f) An authorized officer may amend or revoke the notice by giving a further written notice to the person to whom the notice is given.

**31.****Occupier must comply with notice**

- (a) An occupier who is given a notice under section 31(3) of this Schedule must take the action specified in the notice within the period specified.

**32.**

**When an approved arrangement ceases to have effect**

- (a) An approval of an arrangement (or a part of an arrangement) ceases to have effect if the approval of the arrangement (or that part of the arrangement) is revoked or terminated.
- (b) An approval of an arrangement ceases to have effect if the person to whom the Board, under clause 14 of this Schedule, gave the approval of the arrangement ceases to be the occupier.
- (c) An approval of an arrangement (or a part of an arrangement) ceases to have effect for the period of its suspension.

## ***Schedule 3***

### ***Structural requirement***

**33.**

#### ***General requirements***

Premises, equipment and vehicles

**34.**

#### **Provision of facilities and equipment**

(1) Establishments must have the premises, facilities, equipment and vehicles that are necessary to ensure the preparation of milk and milk products as food is conducted in accordance with the requirements of these Regulations.

**35.**

#### **Construction of premises**

(1) The premises and their construction must:

- (a) Facilitate the preparation of milk and milk products that are fit for human consumption; and
- (b) Be fit for the purpose for which they are used; and
- (c) Have sufficient capacity for the maximum quantity of milk and milk products prepared at the premises at any one time; and
- (d) Permit the premises to be effectively cleaned and, if necessary, sanitised if there is a risk they may cause contamination of milk and milk products; and
- (e) Permit the premises to be effectively accessed, inspected and monitored; and
- (f) Not permit the harbourage of pests; and
- (g) To the extent that is practicable:
  - (i) Exclude dirt, dust, fumes, smoke and other contaminants; and
  - (ii) Not permit the entry of pests; and
  - (iii) Minimise the accumulation of contaminating substances.

**36.**

#### **Construction must comply with plans and specifications**

(1) The construction of the premises and equipment must, in the case of registered establishments, comply with the plans and specifications in relation to which the Board registers the establishment.

(2) Alterations or additions for which a proposal is required must comply with the plans and specifications in relation to which approval for the proposal is given.

**37.****Immediate surrounds**

(1) Areas immediately surrounding buildings, roads and other areas serving premises used to prepare milk and milk products must:

- (a) be paved, graded, landscaped or otherwise treated so as to minimise the risk of dust, pests or contaminants entering food handling areas; and
- (b) Be adequately drained.

**38.****Floors**

(1) Floors must be constructed in a way that is appropriate for the preparation of milk and milk products at the premises.

(2) Floors (including stairs, platforms and the like) in food handling areas, areas used for cleaning and sanitising and areas for personal hygiene must:

- (a) be able to be effectively cleaned and, if necessary, sanitised if there is a risk they may cause contamination of milk and milk products; and
- (b) Be smooth and impervious; and
- (c) Allow for adequate drainage; and
- (d) Not permit the harbourage of pests; and
- (e) To the extent that is practicable:
  - (i) Exclude dirt, dust, fumes, smoke and other contaminants; and
  - (ii) Not permit the entry of pests; and
  - (iii) Minimise the accumulation of contaminating substances.

(3) Subclause 5.2 does not apply to areas for cleaning vehicles.

(4) The floors of areas for cleaning vehicles must:

- (a) Be able to be effectively cleaned; and
- (b) Have impervious surfaces; and
- (c) Be drained.

**39.****Walls and ceilings**

(1) Walls and ceilings must:

- (a) Be provided where they are necessary to protect milk and milk products and their ingredients from contamination; and
- (b) Be constructed in a way that is appropriate for the activities conducted at the premises.

(2) Walls and ceilings in food handling areas and in areas used for cleaning and sanitising and for personal hygiene must:

- (a) be able to be effectively cleaned and, if necessary, sanitised if there is a risk they may cause contamination of milk and milk products; and
- (b) Be smooth and impervious; and
- (c) to the extent that is practicable:
  - (i) Exclude dirt, dust, fumes, smoke and other contaminants; and
  - (ii) Not permit the entry of pests; and
  - (iii) Minimise the accumulation of contaminating substances (including condensation).

(3) Subsection 2 does not apply to areas for cleaning vehicles.

(4) The walls and ceilings of areas for cleaning vehicles must:

- (a) Be able to be effectively cleaned; and
- (b) Have impervious surfaces.

#### **40.**

##### **Fixtures, fittings and equipment — general requirement**

(1) The fixtures, fittings and equipment (including in refrigeration chambers and storage areas) must:

- (a) Facilitate the preparation of milk and milk products that are fit for human consumption; and
- (b) Be fit for the purpose for which they are used; and
- (c) Have sufficient capacity for the maximum quantity of milk and milk products prepared at any one time using the fixtures, fittings and equipment concerned.

#### **41.**

##### **Construction of fixtures, fittings and equipment**

(1) The fixtures, fittings and equipment must be constructed so that:

- (a) They do not cause contamination of milk and milk products; and
- (b) They are able to be easily and effectively cleaned and, if necessary, sanitised if there is a risk, they may cause contamination of milk and milk products; and
- (c) Adjacent floors, walls, ceilings and other surfaces are able to be easily and effectively cleaned; and
- (d) They can be effectively accessed, inspected and monitored; and
- (e) To the extent practicable they:
  - (i) Exclude dirt, dust, fumes, smoke and other contaminants; and
  - (ii) Do not permit the entry or harbourage of pests; and
  - (iii) Minimise the accumulation of contaminating substances.

#### **(42)**

##### **Food contact surfaces**

Food contact surfaces of fixtures, fittings and equipment must:

- (a) be able to be easily and effectively cleaned and, if necessary sanitised, if there is a risk, they may cause contamination of milk and milk products; and
- (b) Be smooth and impervious; and
- (c) Be constructed of materials that do not contaminate milk and milk products.
- (d) Equipment includes implements but does not include vehicles used to transport milk and milk products,
- (e) However equipment does include things used to handle and load milk and milk products during transport.

#### **43.**

##### **Food carrying compartments, container system units and vehicles**

**(1)** Container system units and the food carrying compartments of vehicles used to transport milk and milk products must be designed and constructed:

- (a) To protect the milk and milk products if there is a likelihood of their being contaminated during transport; and
- (b) So that they are able to be effectively cleaned.

**(2)** Food contact surfaces of:

- (a) The container system units; and
- (b) The food carrying compartments; must be constructed so that they are able to be effectively cleaned and, if necessary, sanitised.

**(3)** The container system units and the food carrying compartments must be effectively insulated, constructed and equipped to maintain the milk and milk products at the temperatures required.

**(4)** The food carrying compartment need not comply with subclauses 9.1 or 9.3 if the milk and milk products are transported in a container system unit that meets the requirements of subclause 9.1 or 9.3 (as the case may be).

#### **44.**

##### **Measuring devices**

**(1)** Measuring instruments that are relevant to whether the requirements of these Regulations are complied with must:

- (a) Enable measurements to be accurately calculated using standard units of measurement; and
- (b) Meet levels of tolerance that are appropriate to the measurements taken; and
- (c) Be able to be easily read.

**(2)** Temperature measuring devices must be able to measure the temperature of milk and milk products to an accuracy of  $\pm 1^{\circ}\text{C}$ .

**(3)** Refrigeration chambers and other equipment used for controlling the temperature of milk and milk products must have a readily accessible temperature measuring device.

**45.**

**Storage facilities for items other than milk and milk products**

- (1) The premises must have adequate facilities for the storage of items that could contaminate milk and milk products, including chemicals, clothing and personal belongings.
- (2) The facilities must be located where there is no risk of stored items contaminating milk and milk products.

**46.**

**Cleaning and sanitising premises and equipment**

- (1) The premises must have appropriate facilities for cleaning and sanitising premises and equipment.
- (2) Facilities for cleaning and sanitising equipment in contact with milk and milk products must be located where they can be readily accessed by food handlers engaged in activities that require the cleaning and sanitising of the equipment.

**47.**

**Hand washing facilities**

- (1) The premises must have hand washing facilities.
- (2) The hand washing facilities must be located in or adjacent to areas where food handlers work if there is a risk that their hands could be a source of contamination of milk, milk products or ingredients.
- (3) The hand washing facilities must:
  - (a) Have an adequate supply of warm, or hot and cold potable water over a sink; and
  - (b) Have a suitable hand sanitising preparation; and
  - (c) Have suitable and sufficient hygienic means of drying hands; and
  - (d) Be clearly designated for the sole purpose of washing hands, arms and face.

**48.**

**Amenities**

- (1) The premises must have adequate and conveniently located amenities for the use of food handlers.
- (2) The amenities must:
  - (a) Be physically separated from food handling areas and must not open directly onto these areas; and
  - (b) Be well lit and ventilated; and
  - (c) Not be a source of contamination of milk and milk products.
- (3) Hand washing facilities must be provided in or adjacent to toilets.
- (4) The hand washing facilities must have:

- (a) An adequate supply of warm, or hot and cold potable water over a sink; and
- (b) A suitable hand sanitising preparation; and
- (c) Suitable and sufficient hygienic means of drying hands.

**49.****Essential services**

The premises must have the essential services that are necessary to ensure the preparation of milk and milk products that are fit for human consumption.

**50.****Effluent and waste**

(1) The premises must have a sewerage and waste system that:

- (a) Effectively disposes of and, if necessary, treats all sewage and waste, including during peak load; and
- (b) Prevents the sewage or waste polluting the establishment's water supply or contaminating milk and milk products; and
- (c) Ensures that discharge:
  - (i) Is contained; and
  - (ii) Is directed to the drainage system.

**51.****Facilities for storage of waste and inedible material**

(1) The premises must have facilities for the separation and storage of waste and inedible material prior to its removal from the premises that adequately contain the volume and type of waste and inedible material on the premises.

(2) The facilities and containers used for the waste and inedible material must:

- (a) Prevent access to waste or inedible material by pests; and
- (b) Prevent the waste or inedible material polluting the water supply or contaminating milk and milk products; and
- (c) Be clearly identified as for use for storage of waste and inedible material.

**52.****Lighting**

(1) The premises must have a lighting system that provides sufficient natural or artificial light for the activities conducted for and in relation to the preparation of milk and milk products at the premises.

(2) The lighting system must not be a source of contamination. This would require for example that light bulbs and lighting fixtures suspended over milk and milk products be protected.

**53.**

**Ventilation**

- (1) The premises must have adequate ventilation (natural or mechanical):
- (a) To effectively minimise the risk of airborne contamination (such as steam, smoke and condensation) of milk and milk products; and
  - (b) Where appropriate, to control ambient temperature.

**54.**

**Water supply**

- (1) The premises must have a supply of potable water that is available for use at a volume, pressure and temperature that is adequate for the purposes for which the water is used.
- (2) Potable and non-potable water must be supplied in separate lines (including outlets) that are readily identifiable as being for use for potable or non-potable water (as the case may be).
- (3) Re-circulated water must have a separate distribution system which can be readily identified.

***Schedule 4***  
***Operational hygiene***

**55.**

**Hygiene control program**

(1) A program of operational controls for the hygienic preparation of milk and milk products must be documented and in place at premises used to prepare milk and milk products for export as food.

**56.**

**Standard of cleanliness**

(1) The premises must be maintained to a standard of cleanliness where there is no accumulation of:

- (a) Garbage, except in garbage containers; or
- (b) Recycled matter, except in recycling containers; or
- (c) Food waste; or
- (d) Dirt; or
- (e) Grease; or
- (f) Other visible matter that could contaminate milk and milk products.

(2) Equipment used for the preparation of milk and milk products must be maintained to a standard of cleanliness where there is no accumulation of:

- (a) Food waste; or
- (b) Dirt; or
- (c) Grease; or
- (d) Other visible matter that could contaminate milk and milk products.

**57.**

**Requirement to clean and maintain**

(1) The following must be cleaned and sanitised whenever it is necessary to do so to prevent the contamination of milk and milk products:

- (a) Floors, walls, ceilings, other fixtures and fittings in the following areas:
  - (i) Food handling areas;
  - (ii) Areas used for cleaning and sanitising equipment, vehicles and protective clothing;
  - (iii) Personal hygiene amenities; and
- (b) Equipment and food contact surfaces.

(2) Section 57 (1) does not apply to a single-use item that is disposed of after use or when contaminated.

(3) The surrounds of premises used to prepare milk and milk products must be cleaned to the extent necessary to ensure the surrounds are not a source of contamination of milk and milk products.

(4) The premises and equipment must be maintained in a good state of repair and working order to the extent necessary to facilitate the hygienic preparation of milk and milk products.

## **58.**

### **Vehicles, container system units etc**

(1) The following must be cleaned and sanitised whenever it is necessary to do so to prevent the contamination of milk and milk products:

(a) Container system units, food carrying compartments and vehicles used to transport milk and milk; and

(b) Equipment used to handle milk and milk products during loading and transport.

(2) The following must be maintained in a good state of repair and working order to the extent necessary to ensure the fitness for human consumption of milk and milk products is not adversely affected during transport:

(a) Container system units, food carrying compartments and vehicles used to transport the milk and milk products; and

(b) Equipment used to handle the milk and milk products during loading and transport.

## **59.**

### **Environmental contamination**

(1) Effective measures must be taken to ensure milk and milk products are not contaminated by environmental contamination (including air borne or water borne contamination).

## **60.**

### **Exclusion of animals**

(1) Live animals must not be permitted to enter premises used for the preparation of milk and milk products.

(2) Subclause 1 does not apply to:

(a) The entry of a guard dog in the perimeter area; and

(b) The entry of an assistance animal in any area; provided the area is not used as a food handling area or for cleaning and sanitising equipment or for personal hygiene.

## **61.**

### **Pests**

(1) To the extent practicable, the entry of pests into premises and equipment used for the preparation of milk and milk products must be prevented.

(2) The harbourage of pests in the premises and equipment must be prevented.

## **62.**

### **Hazardous substances**

(1) Hazardous substances must:

- (a) Not contaminate milk and milk products; and
- (b) Be stored in containers that:
  - (i) Are labelled with the name of the substance and a warning about its toxicity and use; and
  - (ii) Are not used for any purpose other than the storage of hazardous substances.

## **63.**

### **Use and storage of substances which could cause contamination**

Except when necessary for hygienic or preparation purposes, substances which could contaminate milk and milk products must not be used or stored in food handling areas.

## **64.**

### **Hygiene controls for processing**

(1) Effective measures must be taken to:

- (a) Prevent the contamination of milk and milk products and their ingredients by anything or activity; and
- (b) minimise the growth in milk and milk products and their ingredients of pathogens that could adversely affect the fitness for human consumption of the milk and milk products given the conditions under which they are to be stored, handled and transported; and
- (c) Ensure that the fitness for human consumption of milk and milk products and their ingredients is not otherwise adversely affected.

Section 64 (a) requires for example that milk, milk products and ingredients not be contaminated by:

- (i) Procedures for the preparation of milk and milk products; or
- (ii) Cleaning, sanitising or maintenance activities; or
- (iii) Handling or use etc of equipment, ingredients or packaging materials.

Paragraph 64 (a) also requires for example that milk, milk products and ingredients not be cross contaminated by animal food or by milk and milk products that are unfit for human consumption.

(2) Without limiting the generality of subclause 10.1 effective measures must be taken to prevent milk and milk products that are not ready for human consumption contaminating milk and milk products that are ready for human consumption.

**65.**

**Calibration of measuring instruments**

Measuring instruments that are relevant to whether the requirements of these Regulations are complied with must be accurately calibrated.

**66.**

**Refrigeration chambers**

The approved arrangement must validate that refrigeration chambers achieve the applicable temperature controls required under these Regulations for chilling, freezing, maintaining, thawing and tempering milk and milk products, taking account of the maximum quantity of milk and milk products to be chilled, frozen, maintained, thawed or tempered at any one time using the chamber.

**67.**

**Ingredients**

Ingredients for milk and milk products must:

- (a) Be fit for the purpose for which they are used; and
- (b) Be labelled, stored and handled in a way that ensures their identity can be ascertained.

**68.**

**Water must be potable**

All water (including reused water, recirculated water and ice) used at premises used to prepare milk and milk products must be potable unless:

- (a) the water is only used in circumstances where there is no risk of the water coming into contact with or contaminating milk and milk products; and
- (b) The approved arrangement expressly provides for the use of the non-potable water in the circumstances in which it is used.

**69.**

**Microbial limits**

(1) Water required under these Regulations to be potable must not contain any *Escherichia coli* per 100 millilitres.

(2) The analysis of water for the purpose of verifying whether the subclause 15.1 is complied with must be performed by an accredited laboratory by the board to perform the analysis. Or the Board may give the occupier a notice enabling the use of another laboratory to perform the examination.

**70.**

**The supply of potable and non-potable water**

(1) The reticulation system must prevent the back siphonage of used or contaminated water.

(2) Non-potable water reticulation systems for an establishment must not contaminate the potable water reticulation systems for the establishment.

**71.**

### **Steam**

Steam used in contact with milk and milk products or food contact surfaces must be free from substances which may:

- (a) Be hazardous to health; or
- b) Contaminate milk and milk products.

**72.**

### **Compressed air and other processing gas**

Compressed air and other processing gas that come into contact with milk and milk products or food contact surfaces must be free from substances which may:

- (a) Be hazardous to health; or
- (b) Contaminate milk and milk products.

**73.**

### **Personal hygiene and health requirements**

In this Division food handling area means an area (including a refrigeration chamber or storage area) used for exposed milk and milk products or their ingredients.

**74.**

### **Food borne diseases**

(1) A person known or suspected to be suffering from, or to be a carrier of a disease likely to be transmitted through food must not work in any food handling area in any capacity in which there is any risk of such a person directly or indirectly contaminating milk and milk products with pathogens.

(2) If a person:

- (a) Is known or suspected to be suffering from, or to be a carrier of a disease likely to be transmitted through food; and
- (b) is at, or suspects that the disease may have resulted in the contamination of milk and milk products at, an establishment engaged in the preparation of milk and milk products; the person must immediately report their disease to a person who is in charge of the operations at the establishment.

**75.**

### **Conditions**

(1) A person who has a condition and who handles milk and milk products must take all practical measures to prevent the condition resulting in contamination of milk and milk products.

(2) Coverings used for conditions must:

- (a) Be effective in preventing contamination of milk and milk products; and

- b) Be waterproof, firmly secured and conspicuous in colour.

## 76.

### Personal cleanliness

(1) A person in a food handling area must:

- (a) take all practicable measures to ensure his or her body, anything from his or her body and anything he or she is wearing does not contaminate milk, milk products or food contact surfaces; and

(b) Take all practicable measures to prevent unnecessary contact with milk and milk products; and

(c) Ensure his or her outer clothing is of a level of cleanliness that is appropriate for the handling of milk and milk products that is being conducted.

(2) A person in a food handling area must not engage in:

- (a) behaviour which could result in contamination of milk and milk products, such as eating, smoking, chewing, spitting, sneezing or coughing over unprotected milk and milk products or food contact surfaces; or

- (b) Any other behaviour likely to adversely affect the fitness for human consumption of milk and milk products.

(3) A person handling milk and milk products must wash (using a sanitising agent) and dry thoroughly his or her hands:

- (a) On entering the food handling area; and
- (b) Immediately after using the toilet; and
- (c) After touching the nose or mouth; and
- (d) After handling contaminated material; and
- (e) Whenever necessary to avoid contaminating the milk and milk products.
- (f) The wearing of gloves does not remove the obligation to wash hands.

## 77.

### Personal effects and clothing

Personal effects and clothing must not be stored in food handling areas.

## 78.

### Protective clothing

(1) A person in a food handling area must at all times wear protective clothing (including a hair covering) and footwear.

(2) The protective clothing and footwear must:

- (a) Be suitable (including appropriately designed) to prevent anything from the person's body contaminating milk and milk products; and

(b) Be maintained in good repair and in a clean and sanitary condition so as not to present a risk of contamination of milk, milk products or food contact surfaces.

## ***Schedule 5***

### ***Preparation and transport***

#### **79.**

##### **Presence of potentially harmful substances**

Milk and milk products must not be sourced from areas where there are reasonable grounds to believe that any of the following are present and could result in unacceptable levels in the milk and milk products:

- (a) Potentially harmful pathogens; or
- (b) Potentially harmful substances such as pesticides, fungicides, heavy metals, natural toxicants or other contaminants.

#### **80.**

##### **Sourcing milk and milk products**

(1) Milk and milk products for use in preparing milk and milk products must be sourced only from:

- (a) A registered establishment; or
- (b) An unregistered establishment in relation to which an approval given by the Board has effect; or
- (c) An establishment to which compliance apply.

(2) Subclause 2.1 applies only to milk and milk products sourced from establishments in Eswatini.

(3) Milk sourced directly from an establishment engaged in milking and storing and chilling milk (including from an establishment to which these Regulations do not apply) must be sourced only from an establishment with:

- (a) Disease management controls in place to ensure only healthy animals are used for milking; and
- (b) Effective measures in place to ensure:
  - (i) animals for milking are not given feed or treated with a substance that could adversely affect the fitness for human consumption of milk and milk products; and
  - (ii) The collection, storing and chilling of milk is done under conditions that ensure the fitness for human consumption of milk and milk products is not adversely affected; and
  - (iii) As soon as practicable after milking, the milk is placed under temperature controls that minimise the growth of pathogens that could adversely affect the fitness for human consumption of milk and milk products.

#### **81.**

##### **Temperature controls**

Milk must be placed under temperature controls as soon as practicable after milking.

**82.****Chilling**

- (1) Milk and milk products that are to be chilled must
- (a) Be cooled to a temperature of 5°C or cooler (but not cooler than minus 1°C); or
  - (b) Be cooled in accordance with the alternative temperature controls specified for chilling the milk and milk products in the applicable approved arrangement.
- (2) If section 1 (b) applies, the applicable approved arrangement must validate that:
- (a) Achieving the alternative temperature controls; and
  - (b) The way in which the chilling is to be done; minimises the growth of pathogens that could adversely affect the fitness for human consumption of the milk and milk products given the conditions under which they are to be stored, handled, loaded and transported.

**83.****Rate of chilling**

- (1) The chilling of the milk and milk products must be performed with sufficient rapidity so as to minimise the growth of pathogens that could adversely affect the fitness for human consumption of the milk and milk products given the conditions under which they are to be stored, handled, loaded and transported.
- (2) The applicable approved arrangement must validate that the rate of chilling achieves the outcome specified in subsection 1.

**84.****Freezing**

- (1) Milk and milk products that are to be frozen must achieve:
- (a) A temperature at the site of microbiological concern of minus 18°C or cooler; or
  - (b) The alternative temperature specified for freezing the milk and milk products concerned in the applicable approved arrangement.
- (2) If subsection 1 (b) applies, the applicable approved arrangement must validate that:
- (a) Achieving the alternative temperature controls; and
  - (b) The way in which the freezing is to be done; minimises the growth of pathogens that could adversely affect the fitness for human consumption of the milk and milk products given the conditions under which they are to be stored, handled, loaded and transported.
- (3) The freezing of the milk and milk products must be performed with sufficient rapidity to minimise the growth of pathogens that could adversely affect the fitness for human consumption of the milk and milk products concerned given the conditions under which they are to be stored, handled, loaded and transported.
- (4) The applicable approved arrangement must validate that the rate of freezing achieves the outcome specified in subclause 6.3.

**85.****Storage, handling, loading and transport**

(1) Milk and milk products (other than shelf stable milk and milk products) must be maintained during storage, handling, loading and transport at:

- (a) Temperatures specified for chilling or freezing the milk and milk products concerned in section 82 (1) (a) or section 84 (1) (a) (as the case may be) of this Schedule; or
- (b) The alternative temperature specified for maintaining the milk and milk products concerned in the applicable approved arrangement.

(2) Shelf stable milk and milk products must be maintained during storage, handling, loading and transport at the temperature specified for maintaining the milk and milk products concerned in the applicable approved arrangement.

(3) If subsection 1 (b) or subsection 2 applies the applicable approved arrangement must validate that:

- (a) Maintaining the milk and milk products concerned at the alternative temperature; and
- (b) The way in which this is to be done; minimises the growth of pathogens that could adversely affect the fitness for human consumption of the milk and milk products given the conditions under which they are to be stored, handled, loaded and transported.

**86.****Thawing and tempering**

(1) Milk and milk products must be thawed and tempered under temperature controls that minimise the growth of pathogens that could adversely affect the fitness for human consumption of the milk and milk products.

(2) The applicable approved arrangement must validate that the temperature controls for the thawing and tempering achieve the objective specified in subclause 8.1.

**87.****Preserving milk and milk products**

(1) Unless otherwise specified in this Part a process applied to milk and milk products for the purpose of extending their shelf life must ensure the safety of the milk and milk products concerned by:

- (a) Destroying or preventing the growth of pathogens; or
- (b) Reducing their growth to a level that ensures the microbiological safety of the milk and milk products is not adversely affected.

(2) The applicable approved arrangement must validate that process controls for extending the shelf life of the milk and milk products ensures that the objective specified in subsection 1 is met.

**88.****Thermal processing of canned milk and milk products**

(1) Unless the approved arrangement specifies otherwise the canning of milk and milk products must result in milk and milk products that are commercially sterile.

(2) An establishment must validate in its approved arrangement that its process controls for canning low acid canned milk and milk products achieve the objective specified in subsection 1.

## **89.**

### **Thermal process designed from simulated conditions**

(1) Before a thermal process designed from simulated manufacturing conditions is used for canning milk and milk products, the results of the process must first be verified in the actual production of canned milk and milk products (as the case may be) that takes place:

- (a) Using the thermal processing equipment; and
- (b) Under the commercial operating conditions; to be used for canning milk and milk products for export as food.

## **90.**

### **Canning**

Canning must protect contents from contamination

- (1) The canning process and canning materials used must prevent contamination affecting the contents of the can.
- (2) Cans must be inspected and evaluated.

## **91.**

### **Cooling and handling cans**

- (1) After thermal processing, the cans must be cooled and handled in a manner that prevents the introduction of pathogens that could affect the commercial sterility of the contents of the can.

## **92.**

### **Water used for cooling**

- (1) Water used for cooling canned milk and milk products must be potable.
- (2) The method used to make the water potable must be specified in the approved arrangement.
- (3) If water is made potable by chlorination the water must show a measurable free residual chlorine level after contact with the cans.

## **93.**

### **Post-processing controls**

Cans that have undergone thermal processing must be identified and held separately from cans that have not undergone thermal processing.

**94.****Pasteurisation and other treatments****(1) Milk must:**

- (a) be pasteurised by being heated to a temperature of not less than 72°C for not less than 15 seconds and immediately shock cooled to a temperature of 4.5°C or less; or
- (b) Be heated and cooled using any time and temperature combination that:
  - (i) Is specified in the applicable approved arrangement; and
  - (ii) Is of equal or greater lethal effect on the bacteria in the milk than would be achieved by the time and temperature controls.; or
- (c) Be subjected to any other treatment that:
  - (i) Is specified in the applicable approved arrangement; and
  - (ii) Meets the objective specified in section 94(1) (b) (ii) or the objective specified in subclause 9.1 of this Schedule.

**(2) Liquid milk must:**

- (a) Be heated and cooled using any time and temperature combination that:
  - (i) Is specified in the applicable approved arrangement; and
  - (ii) Is of equal or greater lethal effect on the bacteria in the milk product than would be achieved by the time and temperature controls specified in paragraph 94(1) (a); or
- (b) Be subjected to any other treatment that:
  - (i) Is specified in the applicable approved arrangement; and
  - (ii) Meets the objective specified in section 94(2) (a) (ii) or the objective specified in subclause 9.1 of this Schedule.

**(3)** If section 94(1) (b) or section 94(1) (c) or section 94(2) applies the applicable approved arrangement must validate that the time and temperature combination or other treatment achieves the objectives specified for section 94(1) (b) (ii), 94 (1) (c) (ii), 94 (2) (a) (ii) or 94 (2) (b) (ii) (as the case may be).

**(4)** This clause does not apply to milk and liquid milk products used in the manufacture of cheese.

**95.****Cheese****(1) Milk and liquid milk products used in the manufacture of cheese must:**

- (a) be heat treated by being held at a temperature of not less than 72°C for a period of not less than 15 seconds; or
- (b) be heat treated using a time and temperature combination that is of equal or greater lethal effect on the bacteria in the milk and milk products than would be achieved by the time and temperature controls specified in subsection (a); or
- (c) be heat treated by being held at a temperature of not less than 62°C for a period of not less than 15 seconds, and the cheese stored at a temperature of not less than 2°C at the site

of microbiological concern for a period of not less than 90 days after the day the cheese is manufactured; or

(d) Subjected to such other treatment that:

- (i) Is specified in the approved arrangement applying to the treatment of the cheese; and
- (ii) Ensures the cheese produced achieves a level of food safety equivalent to that achieved for cheese prepared from milk or liquid milk products that are treated in accordance with sub section (a).

(2) If sub section (b) or sub section (d) applies, the applicable approved arrangement must validate that the treatment achieves the objective specified in sub section (b) or sub section (d) (ii) (as the case may be).

## **96.**

### **Packaging and identification**

(1) Packaging, tags, labels and other materials used to package or identify milk and milk products must be fit for their intended use.

(2) The manner in which milk and milk products are packaged, tagged, labelled and identified and the packaging, tags, labels and other materials used:

- (a) Must not adversely affect the fitness for human consumption of the milk and milk products concerned; and
- (b) In the case of packaging — must effectively protect the milk and milk products concerned from contamination in the conditions under which they are to be stored, handled, loaded and transported.

## **97.**

### **Storage, handling and loading**

(1) Milk and milk products must be stored, handled and loaded in such a way that:

- (a) They are protected from the likelihood of contamination; and
- (b) The conditions (including humidity and atmosphere) under which they are stored, handled and loaded do not adversely affect their fitness for human consumption.

## **98.**

### **Loading for transport**

(1) Milk and milk products must not be loaded onto a vehicle, ship, aircraft or other means of transport unless:

- (a) The vehicle (including the food carrying compartment) and the container system unit; and
- (b) The equipment to be used in the food carrying compartment and the container system unit; and
- (c) The equipment to be used for the loading; comply with the applicable requirements of these Regulations.

The food carrying compartment is the part or area of the vehicle, ship, aircraft or other means of transport in which milk and milk products are carried,

**99.****Transport**

Milk and milk products must be protected during transport

(1) Milk and milk products must be transported under temperature controls that ensure that they are maintained during transportation in accordance with the requirements of clause 7 of this Schedule.

(2) Milk and milk products must be transported under such other conditions as are necessary to ensure that their fitness for human consumption is not adversely affected during transport.

For example, in order to meet sub section 2 milk and milk products would need to be protected from pests and the likelihood of contamination during transport and should not be transported with live animals or any other thing that could contaminate the milk and milk products.

**100.****Official mark must be retained during transport**

(1) During the transport of milk and milk products any official mark applied:

- (a) To the milk and milk products, their packaging or to anything containing the milk and milk products; or
- (b) To anything that is attached to:
  - (i) The milk and milk products; or
  - (ii) Their packaging; or
  - (iii) Anything containing the milk and milk products; must be retained intact.

**101.****Evaluation of fitness for human consumption**

(1) Establishments preparing milk and milk products must have procedures in place for evaluating the fitness for human consumption of:

- (a) All milk and milk products (including returned product) received at the establishment; and
- (b) All ingredients received at the establishment; and
- (c) All milk and milk products prepared at the establishment.

This clause applies to all milk, milk products and ingredients received including those sourced from unregistered establishments and establishments to which these Regulations do not apply and those that are imported.

**102.****Milk and milk products not fit for human consumption**

(1) Milk and milk products that are not fit for human consumption must:

- (a) Be clearly identified as not for export as food; and
- (b) Be segregated from and not contaminate milk and milk products; and
- (c) Not be loaded for human consumption.

(2) Milk and milk products that are not fit for human consumption must:

- (a) Be disposed of so that they do not contaminate milk and milk products, their ingredients or the water supply; or
- (b) Be treated to render them fit for human consumption.

(3) Subsection 1 and 2 do not apply to manufacturing animal food.

**103.****Manufacturing grade milk and milk products**

(1) Manufacturing grade milk and milk products must:

- (a) Be clearly described as manufacturing grade and not fit for human consumption (or words of similar meaning); and
- (b) Be segregated from and not contaminate milk and milk products.

**104.****Milk and milk products that must be dealt with as sub-standard**

(1) Milk and milk products that under these Regulations must be dealt with as substandard milk and milk products must:

- (a) Be clearly identified as substandard; and
- (b) Be segregated from and not contaminate milk and milk products of good quality; and
- (c) Not be loaded for distribution as good quality product.

(2) If:

- (a) A permit for milk and milk products is revoked; or
- (b) The Board gives the occupier of the establishment at which the milk and milk products concerned are located a written notice rejecting them; the milk and milk products concerned must:
  - (c) Be clearly identified as not permitted; and
  - (d) Be segregated from and not contaminate milk and milk products permitted for distribution; and
  - (e) Not be loaded for distribution with permitted products.

**105.****Milk and milk products that are not for export as food must:**

- (a) Be clearly identified as not for export as food; and
- (b) Be segregated from milk and milk products for export as food.

**106.****Animal food**

Animal food must:

- (a) Be clearly identified as animal food and not for human consumption; and
- (b) Be segregated from and not contaminate milk and milk products that are for food  
milk and milk products for animal food cannot be used as an ingredient for milk and milk products for human consumption.

**107.****Milk and milk products for export to identified markets**

If milk and milk products are not eligible for export as food to all markets the following must be readily ascertainable:

- (a) The countries to which the milk and milk products concerned are intended for export; and
- (b) Whether the importing country requirements for each of those countries that are specified in the applicable approved arrangement are met.

The approved arrangement must document controls used to ensure compliance with importing country requirements.

## *Schedule 6*

### *Product standards*

#### **108.**

##### **Product standards for milk, milk products and ingredients**

(1) Milk and milk products and their ingredients must not contain any of the following:

- (a) A metal or non-metal contaminant or a natural toxicant in excess of the maximum level specified for the contaminant or toxicant;
- (b) An agricultural or veterinary chemical in an amount that contravenes the requirements of the international and national laws;
- (c) A food additive, processing aid, vitamin, mineral, added nutrient, other matter or substance in contravention of the applicable requirements of the international and national laws;

(2) Milk and milk products for export as food to a country and their ingredients need not comply with a requirement of sub section 1:

- (a) as it applies to a contaminant or natural toxicant if the importing country authority specifies a maximum level for the contaminant or natural toxicant for milk, milk products or ingredients of the kind concerned and the milk, milk products or ingredients concerned do not exceed that maximum level; and
- (b) as it applies to an agricultural or veterinary chemical if the importing country authority specifies a maximum limit for the chemical for milk, milk products or ingredients of the kind concerned and the milk, milk products or ingredients concerned do not exceed that limit; and
- (c) as it applies to a food additive, processing aid, vitamin, mineral, added nutrient, other matter or substance if the importing country authority specifies an alternative requirement for the food additive, processing aid, vitamin, mineral, added nutrient, other matter or substance milk, milk products or ingredients of the kind concerned and the milk, milk products or ingredients concerned comply with the alternative requirement.

(3) If sub section 2 (a), 2 (b) or 2 (c) applies the applicable approved arrangement must:

- (a) Identify the maximum limit or alternative requirement concerned specified by the importing country authority; and
- (b) Document the controls used to ensure compliance with that maximum limit or alternative requirement.

#### **109.**

##### **Microbiological limits**

(1) Milk and milk products and their ingredients must meet the microbiological limits specified for milk, milk products or ingredients of that kind in the national and international standard setting bodies and these regulations.

(2) Milk and milk products for export as food to a country and their ingredients need not comply with sub section 1 if:

- (a) The importing country authority specifies an alternative microbiological limit for the milk, milk product or ingredient of the kind concerned; and
- (b) The milk, milk products or ingredients concerned comply with the alternative microbiological limit.

(3) If sub section.2 (a) applies the applicable approved arrangement must:

- (a) Identify the alternative microbiological limit specified by the importing country authority; and
- (b) Document the controls used to ensure compliance with that alternative microbiological limit.

## **110.**

### **Gene technology, irradiation and other processes**

(1) Milk and milk products and their ingredients must not:

- (a) Be produced using gene technology; or
- (b) Be irradiated; or
- (c) Be produced using, or subjected to, any other process; in contravention of the applicable requirements of the national and international standards and these regulations.

(2) Milk and milk products for export as food to a country and their ingredients need not comply with sub section 1 if:

- (a) The importing country authority permits the gene technology, irradiation or other process for milk, milk products or ingredients of the kind concerned; and
- (b) The importing country requirements for the gene technology, irradiation or other process are complied with in relation to the milk, milk products or ingredients concerned.

(3) If sub section 2 (a) applies the applicable approved arrangement must

- (a) Identify the alternative requirements specified by the importing country authority; and
- (b) Document the controls used to ensure compliance with the alternative requirements.

## **111.**

### **Methods of sampling and examination**

Microbiological sampling and examination

(1) The sampling and examination of milk and milk products and their ingredients for the purposes of demonstrating compliance with the microbiological limits must comply with:

- (a) The Eswatini Dairy Board Standards specified in the regulations
- (b) An equivalent method of examination in accordance with the Eswatini Dairy Board Standards
- (c) A method of examination in accordance with Eswatini Standards Authority, Milk South Africa, Milk producers Organisation (SA), International Dairy Federation, World

organisation for Animal Health (OIE) Codex Alimentarius and the International Organisation for Standardisation (ISO)

- (2) The sampling and examination of milk and milk products and their ingredients for the purpose specified in sub section 1 must comply with any additional methods for their sampling and examination specified.
- (3) The sampling and examination need not comply with sub section.1 and sub section.2 if:
- (a) The importing country authority specifies an alternative method of sampling and examination for milk, milk products or ingredients of the kind concerned; and
  - (b) The sampling and examination is done in accordance with the alternative method.
- (4) If sub section 3 (a) applies the applicable approved arrangement must:
- (a) Identify the alternative method of sampling and examination specified by the importing country authority; and
  - (b) Document the controls used to ensure compliance with that alternative method of sampling and examination.

## *Schedule 7*

### *Trade description*

#### **112.**

##### **Requirement to have a trade description**

(1) Milk and milk products must have a trade description containing the information specified in section 115 (4) of this Schedule applied to their immediate container.

(2) The trade description must be applied before the milk and milk products leave the establishment at which they are last packed in their immediate container before being loaded.

#### **113.**

##### **Unlabelled canned product and unwrapped bulk loaded product**

(1) Despite section 112 of this Schedule a trade description containing the information specified in section 115 (4) of this Schedule need not be applied to:

- (a) Milk and milk products despatched from an establishment in cans without labels provided the requirements of section 116(2) of this Schedule are met; and
- (b) Unwrapped milk and milk products bulk loaded into container system units.

#### **114.**

##### **Milk and milk products identified as not for retail sale**

(1) Despite section 112 of this Schedule a trade description containing the information specified in section 115 of this Schedule need not be applied to milk and milk products if:

- (a) The milk and milk products are identified as not for retail sale; and
- (b) The information specified in section 116 of this Schedule is applied to the outer container containing the milk and milk products before the outer container is loaded.

#### **115.**

##### **Contents of the trade description**

(1) The trade description must contain:

- (a) A description of the milk and milk products; and
- (b) For milk and milk products containing more than one ingredient a list of ingredients must be clearly written; and
- (c) The net contents of the milk and milk products; and
- (d) The country of origin of the milk and milk products; and
- (e) The registration number of the establishment at which the milk and milk products are last prepared (other than handled, loaded or stored) before being exported; and
- (f) The name and address of:
  - (i) The exporter; or

- (ii) The occupier of the establishment at which the milk and milk products are last prepared (other than handled, loaded or stored) before being exported; or
- (iii) The consignee; and
- (g) The identity of the lot for the milk and milk products; and
- (h) The directions for the use or storage if the milk and milk products are of a nature as to warrant such directions for reasons of food safety.

*Note 1:* For accuracy of the trade description section 121 of this Schedule.

Conduct that is misleading or deceptive or is likely to mislead or deceive and making false or misleading representations, including about the country of origin of milk and milk products is prohibited. If the importing country authority specifies that it does not require a trade description requirement of this Schedule to be complied with (or specifies a less stringent requirement), the Board may, at the request of the occupier, give the occupier a notice specifying that the requirement of this Schedule does not apply.

## 116.

### **Canned milk and milk products**

(1) If canned milk or canned milk products are not permanently marked with the complete trade description at the time of filling the cans, the letters 'EX' followed by the registration number of the establishment at which the cans are closed must be embossed or otherwise permanently marked on the cans.

(2) If canned milk or canned milk products are to be despatched from an establishment in cans without labels the cans must be embossed or otherwise permanently marked at the time of filling with:

- (a) A product cypher that can be used to identify the milk and milk products; and
- (b) The letters 'EX' followed by the registration number of the establishment at which the can is closed; and
- (c) The country of origin of the milk and milk products; and
- (d) The identity of the lot for the milk and milk products.

## 117.

### **Ingredients**

(1) The trade description applied to milk and milk products must meet each of the applicable requirements for the labelling and naming of ingredients and compound ingredients.

(2) Without limiting the generality of sub section 1 the ingredients must be listed in order.

(3) Statement of ingredients must also be listed even in small packages- means a package with a total surface area of less than 100 cm<sup>2</sup>.

(4) For the purposes of complying with the requirements of the regulations

- (a) **Ingredient** must comply with the regulations
- (b) **Ingredient** means any substance (including a food additive) that is a constituent of milk and milk products but does not include a processing aid.

**118.****Compositional claims**

If a claim as to composition is made or implied regarding milk and milk products, a quantitative statement supporting the claim must be included in the trade description.

**119.****Identifying the establishment**

The registration number of the establishment must be clearly distinguishable as being the registration number.

**120.****Identifying the farmer, producer, exporter, importer, trader, distributor, processor etc**

(1) For the purposes of the regulations, if:

- (a) The name and address of the exporter, importer, processor, distributor, trader or consignee is used; and
- (b) The exporter, importer, processor, distributor, trader or consignee is not a person who prepares the milk and milk products concerned; the name must be preceded by the words 'Packed for' or a statement of similar meaning.

**121.****Miscellaneous**

(1) Information required under these Regulations to be contained in the trade description must:

- (a) Be accurate; and
- (b) Be legible; and
- (c) Be prominent, conspicuous and not obscured in any way; and
- (d) Be securely applied.

**113.****Additional information applied to a trade description**

Additional information or pictures applied to milk and milk products must not be inconsistent with information required under these Regulations to be contained in the trade description.

**114.****Trade description applied to packaging material, liners, outer containers etc**

(1) A trade description applied to:

- (a) packaging material such as carton liners, wraps or sheets within blocks to separate milk and milk products; or

- (b) An outer container containing a number of immediate containers of milk and milk products; must not be inconsistent with any part of the trade description required to be applied under these Regulations.

**115.****Trade descriptions in a language other than English**

Any part of a trade description applied to milk and milk products that appear in a language other than English or Siswati must not be inconsistent with any part of the trade description in the English language.

**116.****When a trade description must not be altered or interfered with**

(1) The trade description required under these Regulations to be applied to milk and milk products must not be altered or interfered with unless:

- (a) The alteration or interference is done by, or under the direction of, an authorized officer; or
- (b) An authorized officer gives written approval for the alteration or interference; or
- (c) The applicable approved arrangement provides for the alteration and interference in the circumstances in which the alteration or interference is made.

## ***Schedule 8***

### ***Identification, tracing systems, integrity and transfer***

**117.**

#### **Identification, tracing systems, integrity and recall**

(1) Effective measures for tracing systems, for making records and retaining documents and for the identification of milk and milk products must ensure that all milk and milk products prepared at the establishment can be:

- (a) Identified; and
- (b) Traced; and
- (c) If necessary, recalled.

**118.**

#### **Integrity**

The integrity of milk and milk products must be maintained.

**119.**

#### **Supply and preparation**

(1) Milk and milk products and their ingredients must be sourced only from a supplier with traceability systems in place to ensure that the milk and milk products and ingredients can be identified, traced and if necessary recalled.

(2) A record must be made of the name of the supplier of all milk and milk products and ingredients received at an establishment engaged in the preparation of milk and milk products.

**120.**

#### **Production records**

(1) A record must be made of all information necessary to ensure:

- (a) Trace-back to the individual lot of milk and milk products prepared at an establishment; and
- (b) Trace-back to the supplier of the ingredients used in each lot of the milk and milk products and the date of supply of the ingredients.

(2) For the purposes of complying with section 115 (a) and without limiting the generality of section 115, for each lot of milk and milk products prepared at an establishment a record must be made of:

- (a) The description of the milk and milk products; and
- (b) The quantity of milk and milk products in the lot; and
- (c) The lot identity of the milk and milk products; and

- (d) The date of preparation of the milk and milk products; and
- (e) The milk and milk products and their ingredients.

**121.****Identification of milk and milk products**

(1) The following information must be applied to the outer container of milk and milk products before the container leaves the establishment at which the outer container is packed:

- (a) A description of the milk and milk products;
- (b) The registration number of the establishment at which the outer container is packed;
- (c) The quantity of the milk and milk products in the container;
- (d) The lot identity of the milk and milk products;
- (e) The country of origin of the milk and milk products.

**122.****Transfer**

(1) For each consignment of milk and milk products despatched from an establishment the following information must be given to the consignee:

- (a) The name, address and registration number of the despatching establishment;
- (b) A full description of the milk and milk products that is sufficient to identify them;
- (c) An indication of the temperature controls under which the milk and milk products must, under these Regulations, be transported;
- (d) The quantity of the milk and milk products in the consignment and the number and description of packages (if any) in which the milk and milk products are packed;
- (e) If the milk and milk products are prepared in order to meet the importing country requirements of one or more identified countries — the name of those countries;
- (f) The name and address and registration number (if any) of the establishment to which the milk and milk products are despatched;
- (g) A declaration stating that:
  - (i) The conditions and restrictions specified in the regulations and
  - (ii) The importing country requirements identified in the approved arrangement; that apply to and in relation to the milk and milk products while they are at the establishment are complied with;
- (h) A declaration stating that all the information given to the consignee for the purposes of complying with this clause is true and complete.

(2) For each consignment of milk and milk products for animal food despatched from an establishment engaged in the preparation of milk and milk products the information specified in section 117 (a), (b), (d), (f), (g) and (h) must be given to the consignee.

**123.****Unlabelled canned product and unwrapped bulk loaded product**

(1) If milk and milk products:

- (a) Are despatched from an establishment in cans without labels; or
- (b) Are unwrapped milk and milk products bulk loaded into container system units; the outstanding information (if any) required to comply with the requirements of section 115 in Schedule 7 must also be given to the consignee.

**124.****Intra-company transfers**

(1) This Part does not apply to the despatch of milk and milk products if both of the following apply:

- (a) The same person is the occupier of the despatching and the receiving establishment; and
- (b) The occupier's approved arrangement documents the controls necessary to ensure that the requirements of section 117 of this Schedule are complied with during the transfer.

**125.****Requirements for declarations**

(1) A declaration referred to in section 115 (g) and (h) of this Schedule must be signed and dated by the maker of the declaration. Declarations can be done electronically

(2) A declaration referred to in section 115 (g) and (h) of this Schedule must be made by:

- (a) The occupier; or
- (b) A person who is designated in the despatching establishment's approved arrangement as a person who may make such a declaration on behalf of the occupier.

(3) A declaration must not:

- (a) Be false, misleading or incomplete; or
- (b) Be made if there is no sound basis for making it.

If a false, misleading or incomplete statement is made or there is no sound basis for the statement the establishment's approved arrangement may be suspended or revoked.

**126.****Giving information to the consignee**

(1) For the purpose of section 122 and 123 of this Schedule the information is taken to be given to the consignee if:

- (a) It is in writing; and

- (b) It is given to the consignee at the time of despatch of the milk and milk products concerned or accompanies the milk and milk products concerned during despatch.

**127.****Receipt of milk and milk products****(1) If:**

- (a) Milk and milk products are received by an establishment engaged in the preparation of milk and milk products; and
- (b) the establishment does not receive the relevant information referred to in clauses 6 or 7 (as the case may be) of this Schedule or the information does not accompany the milk and milk products concerned; or
- (c) The information referred to in clauses 6 or 7 received by the establishment or accompanying the milk and milk products is inaccurate or incomplete; the occupier must notify an authorized officer and the sender as soon as practicable on becoming aware that the information was not received or is inaccurate or incomplete.

**(2) If:**

- (a) Milk and milk products are received by an establishment engaged in the preparation of milk and milk products; and
- (b) A circumstance referred to in section 127 (1) (b) or (c) exists; the milk and milk products concerned must:
- (c) be held at the establishment under conditions of security and not dealt with further as milk and milk products unless an authorized officer gives written approval for the milk and milk products concerned to be dealt with further; or
- (d) Be dealt with as milk and milk products that are substandard and risky or until the sender or source send all the required information.

**128.****Identification during transport**

The identification of milk and milk products must not be lost during transport.

***Schedule 9***  
***Documentation***

**129.****Making an application- Permits (import, export, transit, emergency)**

An application for any permit for milk and milk products must:

- (a) Be in the form approved by the Board for making applications for the permit of milk and milk products; and
- (b) Be given to the Board.

**130.****Contents of the application**

An application for any permit for milk and milk products must contain the following information for the milk and milk products concerned:

- (a) The name and address in Eswatini of the person who intends to apply
- (b) The registration number of the processing establishment(s) at which it was or were prepared if they are two or more, list all of them (other than merely stored, handled, or loaded);
- (c) Each of the dates on which they are prepared (other than merely stored, handled or loaded);
- (d) If Eswatini is not their country of origin their country of origin;
- (e) The name and address of the consignee, or if a government permit required;
- (f) The intended port of entry or airport;
- (g) The intended date of departure or arrival of the consignment;
- (h) The mode of transport
- (i) Their intended market (s);
- (j) The importing or exporting country
- (k) Their net contents and the number and type of packages (if any) in which they are packed;
- (l) Their full description, including the type of milk and milk products concerned, the pack type and preservation (for example chilled, frozen or unrefrigerated);
- (m) Any other information required by the Board.

**131.****Declaration of compliance**

(1) An application for any permit for milk and milk products must contain a declaration that the permit applicant is in possession of:

(a) A declaration that applies to the milk and milk products concerned and complies with the requirements of this Schedule; or

(b) A written verification for the milk and milk products concerned made by an authorized officer under section 136 of this Schedule.

(2) Milk and milk products must be prepared under an approved arrangement that provides for inspection procedures that include the making of declarations of compliance for the milk and milk products concerned.

**132.****Statement that information is correct and complete**

(1) An application for a permit must contain a statement that all information given in the application is true and complete.

**133.****Declaration of compliance made under an approved arrangement**

When a declaration may be made

(1) A person may make a declaration if the applicable approved arrangement provides for inspection procedures that include the making of declarations of compliance for the milk and milk products concerned.

(2) The declaration must be made by:

(a) The occupier; or

(b) A person designated in the applicable approved arrangement as a person who may make such a declaration on behalf of the occupier;

(c) Relevant and competent Government authorised person

(d) the board of the processing establishment (s) at which the milk and milk products concerned are last prepared (other than merely stored, handled or loaded).

**134.****Contents of the declaration**

A declaration of compliance must:

(a) Identify the milk and milk products concerned and state that it relates to the compliance with:

(i) The conditions and restrictions specified in the regulations and

(ii) The country's requirements identified in the approved arrangement; applicable to the milk and milk products at the time they are last processed and prepared (other than merely stored, handled or loaded); and

- (b) Declare that the conditions and restrictions are complied with; and
- (c) State that the information is true and complete; and
- (d) Be signed by the maker of the declaration and dated.
- (e) Relevant and competent Government authorised person

This declaration may be the one that is made for the purposes of the transfer of milk and milk products by the occupier of the processing establishment (s) at which the milk and milk products are last prepared (other than merely stored, handled, distributed or loaded).

### **135.**

#### **Declaration must be correct and complete**

A declaration referred to in this Division must not:

- (a) Be false, misleading or incomplete; or
- (b) Be made if there is no sound basis for making it.

If a false, misleading or incomplete statement is made or there is no sound basis for the statement the establishment's approved arrangement may be suspended or revoked.

### **136.**

#### **Verification and inspection by an authorized officer**

If:

- (a) An application for a permit for milk and milk products is given by the Board and there has been an opportunity to inspect the milk and milk products if required; and
- (b) An authorized officer has reasonable grounds to believe that the conditions and restrictions specified in the regulations are complied with; the officer may give a written verification of the matters referred to in paragraph (b).

### **137.**

#### **Inspection, examination and sampling**

An authorized officer may conduct such inspections and examinations and take such samples as are necessary for the purposes of making a verification referred to in section 136 of this Schedule.

### **138.**

#### **Permission to export or import etc**

- (1) This Division contains provisions for permits.
- (2) Section 139 describes the issuing of permits on an ongoing basis under an approved arrangement.
- (3) Section 140 describes the issue of permits on an ongoing basis by persons approved by the Board to issue permits.
- (4) Section 141 describes the fully automated system used to give permits. In this case the computer is programmed so that it does not result in the giving of permits unless certain

preconditions are met. A person may access the automated system to issue permits if the person has approval to do so under an approved arrangement or if the person is given approval to do so by the Board.

(5) Section 142 describes the giving of permits in circumstances where Section 139 to 141 do not apply and where the Board only gives permits where the Board has reasonable grounds to believe that certain preconditions are met.

(6) The remaining sections in this Division regulate the approval of arrangements for the issue of permits and the approval of persons who may issue permits.

### **139.**

#### **Issue of permits under an approved arrangement**

(1) This clause does not apply permits:

- (a) Generated as a result of the operation of a computer operating system; or
- (b) Given by the Board under Section 142 of this Schedule.

(2) This clause applies if:

- (a) The occupier of the establishment is also the processor of milk and milk products that are last prepared (other than merely stored, handled or loaded) at the establishment; and
- (b) The occupier's approved arrangement contains inspection procedures of milk and milk products of the kind referred to in Sub section.2 (a) that include:
  - (i) The making of declarations referred to in Sub section 3 (a) of this Schedule; and
  - (ii) The issue of permits by the occupier; and
  - (iii) Designates a person who has management responsibilities at the establishment for inspection procedures as a person who may make the declarations and issue permits on behalf of the occupier, to be signed by a competent Government authorised officer and the board

(3) Permits may be issued on behalf of the occupier by a relevant and competent government authorised person, the board or a person referred to in Sub section.2 (b) (iii).

(4) Requirements for applications for a permit

(5) A permit issued must contain:

- (a) All the information specified in Section 130 of this Schedule; and
- (b) A declaration that applies to the milk and milk products and complies with the requirements of the regulations; and
- (c) A statement that all information in the permit is true and complete.

(6) The occupier must give a copy of each permit issued by a person (s) referred to in Sub section 3 to the Board within 3 working days after the day the milk and milk products identified in the permit are exported or imported.

**140.****Issue of permits by approved person**

(1) This clause does not apply to permits:

- (a) Generated as a result of the operation of a computer operating system; or
- (b) Issued by the Board under Section 142 of this Schedule.

(2) An approved permit issuer may issue a permit for milk and milk products of the kind described in the approval.

(3) Requirements for applications for a permit

(4) A permit issued by an approved permit issuer such as Government Veterinary Officers and the Board must contain:

- (a) All of the information specified in Section 130 of this Schedule; and
- (b) A declaration that they are in possession of a declaration that:
  - (i) Applies to the milk and milk products; and
  - (ii) Complies with the requirements of Section 134 of this Schedule; and
- (c) A statement that all information in the permit is true and complete.

(5) An approved permit issuer must ensure a copy of each permit he or she issues is given to the Board within 3 working days after the day the milk and milk products identified in the permit are exported or imported.

**141.****Automated permits**

(1) This provision applies if the permit is an electronic notice generated as a result of the operation of a computer operating system

(2) If each of the circumstances in Section 139 (2) of this Schedule exists a person referred to in Section 139 (3) of this Schedule may access the computer operating system for the purpose of the issue of permits.

(3) An approved permit issuer may access the computer operating system for the purpose of the issue of export permits.

(4) The Board must take all reasonable steps to ensure that the computer system does not result in the issue of a permit for milk and milk products unless there are reasonable grounds to believe that there are systems in place to ensure:

- (a) an application for a permit for the milk and milk products concerned is given to the Board and an authorized officer has had an opportunity to inspect the milk and milk products if required; and
- (b) The application contains the information specified in Section 130 of this Schedule; and
- (c) A declaration referred to in Section 131 of this Schedule is made; and
- (d) The conditions and restrictions specified in these Regulations that must be satisfied before the milk and milk products are complied with; and

(e) The information given to the Board in, or in connection with the application for the permit is accurate and complete and that there is a sound basis for the information.

(5) A permit issued under this clause is taken to be given by the Board.

## **142.**

### **Permits given by the Board in other circumstances**

(1) This clause applies to permits given by the Board that are not generated as described in section 141 of this Schedule.

(2) The Board may give the person named in an application a permit for milk and milk products if all of the following circumstances exist:

- (a) An application for a permit for the milk and milk products is given to the Board and an authorized officer has had an opportunity to inspect the milk and milk products if required; and
- (b) The application contains the information specified in section 130 of this Schedule; and
- (c) A declaration referred to in section 131 of this Schedule is made; and
- (d) The Board is satisfied that the conditions and restrictions specified in these Regulations are complied with; and
- (e) The Board is satisfied that the information given to the Board in, or in connection with the application for the permit is accurate and complete and that there is a sound basis for the information.

### **Approval etc of approved arrangements for issuing permits**

(1) The Board may under section 22 of Schedule 2 approve an arrangement as it relates to the matters referred to in section 139(2) of this Schedule if the Board is satisfied that:

- (a) permits issued under the arrangement and other information given by the occupier to the Board in, or in connection with the export and import of milk and milk products will be accurate and complete and have a sound basis; and
- (b) The conditions and restrictions specified in these Regulations will be complied with; and
- (c) The occupier's arrangement contains controls to demonstrate how the occupier will comply with the requirements of these Regulations and section 139 (5) and (6) of this Schedule.

(2) The Board may under section 27 of Schedule 2 require the occupier to submit a variation of the approved arrangement as it relates to the matters referred to in section 139 (2) of this Schedule if the Board is not satisfied that compliance with the controls specified in the approved arrangement ensures that the matters specified in these Regulations and subclauses section 139 (5) and (6) of this Schedule are complied with.

(3) The Board may under section 29 of Schedule 2 suspend or revoke the approval of an approved arrangement as it relates to the matters referred to in subclause section 139 (2) of this Schedule if:

- (a) The Board is satisfied that any of the matters specified in sub section (1) are not met; or

- (b) A person who may under section 139 (3) issue permits on behalf of the occupier is not, or ceases to be, a fit and proper person
- (c) The occupier has failed to comply with a requirement of these Regulations or section 139 (5) or (6) of this Schedule; or
- (d) The occupier has failed to provide the assistance required.

(4) The preconditions specified in section 143 (1) are in addition to those specified in section 22 (1) of Schedule 2.

(5) Section 143 (2) and (3) do not operate so as to limit the ability of the Board to require a variation or suspend or revoke an arrangement under section 27(1) and 29 (1) (as the case may be) of Schedule 2.

### **143.**

#### **Approval to issue permits**

(1) An individual may apply for approval to issue permits of milk and milk products prepared under an approved arrangement and import and export requirements that contains inspection procedures.

(2) The application must contain:

- (a) The information specified in section 130 (a) and (b) of this Schedule; and
- (b) A description of the milk and milk products for which approval to issue permits is required; and
- (c) A statement by the applicant that all information given in the application is true and complete; and
- (d) Any other information required by the Board.

(3) The Board may request that the applicant provide further specified information or documents that the Board reasonably requires in order to decide the application.

(4) If the Board has not decided the application within 60 days after the day the application is received (not including any period between the Board making a written request under subclause 16.3 and the applicant meeting the request) the Board is taken to have refused the application.

(5) The Board may by written notice give the applicant approval to issue permits for milk and milk products of the kind specified in the application if the Board is satisfied:

- (a) The applicant will comply with the applicable requirements of the regulations; and
- (b) Permits issued by the applicant will comply with section 140 (4) of this Schedule; and
- (c) The applicant will comply with section 140 (5) of this Schedule; and
- (d) The applicant is a fit and proper person

(6) If the Board decides not to approve the applicant the Board must give the applicant written notice of the decision.

(7) The notice must:

- (a) Set out the reasons for the decision; and
- (b) Tell the applicant of his or her right to apply for reconsideration of the decision.

(8) The Board may:

- (a) Give approval subject to conditions specified in the approval; and
  - (b) By written notice given to the approved permit issuer impose new conditions or vary or revoke the conditions.
- (9) The conditions must be for the purpose of ensuring that:
- (a) The permits will comply with section 140 (4) of this Schedule; and
  - (b) The approved permit issuer will comply with section 140 (5) of this Schedule; and
  - (c) That an accurate assessment can be made as to whether sub section 140 9 (a) and 9 (b) are met.
- (10) The Board may by written notice given to an approved permit issuer revoke the approval if the Board has reasonable grounds to believe that the approved permit issuer:
- (a) Has failed to comply with an applicable requirement of these Regulations or a condition of the approval; or
  - (b) has in an application or other document given to the Board or in a document or information required to be made or given under the Act, the Regulations or a condition of the approval of the person made a statement that is:
    - (i) False, misleading, or incomplete; or
    - (ii) For which there is no sound basis for making the statement; or
  - (c) Has failed to provide the assistance referred to in order 60; or
  - (d) Is not, or has ceased to be, a fit and proper person.
- (11) The approval and a revocation take effect:
- (a) On the day specified in the written notice of the approval or revocation as the day the approval or revocation takes effect; or
  - (b) If no such day is specified — when written notice of the approval or revocation is given to the person concerned.
- (12) The Board must give the person concerned written notice of:
- (a) The reasons for the revocation; and
  - (b) The person's right to apply for reconsideration of the decision.

## 144.

### Restrictions on giving a permit

- (1) A permit must not be given under this Schedule for milk and milk products if the Board has reasonable grounds to believe that:
- (a) A condition or disease that could affect the acceptability of milk and milk products is present; or
  - (b) The export, import, distribution, processing or trading of the milk and milk products could result in trade in Eswatini being adversely affected.
  - (c) failure of permit holder to pay all the necessary fees
- (2) A permit need not be given under this Schedule for milk and milk products if the Board has reasonable grounds to believe that:

- (a) Requirements for the milk and milk products is not complied with; or
- (b) A person who applies in respect of the milk and milk products concerned has failed to provide the assistance required; or
- (c) A person applies in respect of the milk and milk products concerned have failed to comply with an applicable requirement of the Act or these Regulations.
- (d) Failure of the permit holder to pay all the necessary fees such as levy, licence fee and permit fee

**145.****Allocation of permit number**

The Board must take all reasonable steps to ensure that permits given under this Schedule is allocated a unique identifying number at the time it is given (including generated).

**146.****Variation and revocation of a permit**

- (1) The Board may, at the written request of a person who applies, vary a permit to:
  - (a) Correct any error; or
  - (b) Update the information; on the face of the permit.
- (2) The Board may revoke a permit by giving a notice to a person who applies.
- (3) The notice of revocation of a permit for milk and milk products may be given if the Board has reasonable grounds to believe that:
  - (a) A condition or restriction specified in these Regulations is not complied with; or
  - (b) Requirements for the milk and milk products is not complied with; or
  - (c) There is a risk the milk and milk products has deteriorated or is likely to deteriorate or is likely to be unfit for human consumption; or
  - (d) The intention to import, export or process the milk and milk products is abandoned; or
  - (e) Information given to the Board in relation to the milk and milk products is inaccurate or incomplete or does not have a sound basis; or
  - (f) There is a condition or disease that could affect the acceptability of milk and milk products; or
  - (g) The import, export, distribution, trading or processing of the milk and milk products could result in trade being adversely affected; or
- (h) A circumstance referred to in paragraphs 17.2 of this Schedule exists.

**147.****When a permit has effect**

- (1) A permit takes effect when it is issued or given (as the case may be).
- (2) A permit ceases to have effect:
  - (a) When it is revoked; or
  - (b) In any other case — at the end of a period of 30 calendar days after the day it takes effect.

**148.****Direction given by authorized officer prevails**

If the permit given is inconsistent with a written notice of a direction given by an authorized officer in accordance with these Regulations then the permit is, to the extent of the inconsistency, of no effect

**149.****Application for a government permits**

- (1) A person may apply to the Ministry of Agriculture or the relevant ministry for the issue of a government permits in respect of milk and milk.
- (2) The Ministry may accept information given in an application for a permit as satisfying any requirement to give the same information in an application for a government permit.

**150.****Issue of government permits**

- (1) The ministry may issue a permit for milk and milk products if satisfied that the following are complied with:
  - (a) The conditions and restrictions specified in these Regulations; and
  - (b) The requirements for the milk and milk products; and
  - (c) Any matters specified on the permits concerning milk and milk products.

**151.****Restrictions on issuing a government permit**

- (1) A permit must not be issued under section 150 of this Schedule if the ministry is satisfied that:
  - (a) A permit has not been issued or given for the milk and milk products or the permit has ceased to have effect; or
  - (b) The information given to the ministry in, or in connection with, the application for the permit is inaccurate or incomplete or does not have a sound basis; or
  - (c) A condition or disease that is likely to affect the acceptability of milk and milk products to the importing or exporting country; or

- (d) The export, import, processing, distribution or trading of the milk and milk products could result in trade in Eswatini being adversely affected.
- (2) The ministry need not issue a permit under section 150 of this Schedule for milk and milk products if satisfied that:
- (a) A person who applies has failed to provide the assistance required;
  - (b) A person who applies has failed to comply with an applicable requirement of the Act and these Regulations.
- (3) A government permit must not be issued under section 150 of this Schedule for manufacturing grade milk and substandard and risky milk products or products not fit for human consumption.
- (4) A government permit must not be issued under section 150 of this Schedule for milk and milk products for use for animal food
- (5) The ministry may under section 150 of this Schedule issue a government permit that the nature and condition of milk and milk products for use for animal food.

## 152.

### **Giving information or documents about permits**

- (1) (a) the computer operating system under the control of the Board is the computer operating system for use for giving documents or information in relation to permits of milk and milk products; and
  - (b) the software system is the software interface system for giving documents or information in relation to permits of milk and milk products; and
  - (c) any software operating system listed in the document approved by the board and giving documents or information in relation to the permits of milk and milk products is a software operating system for that purpose.
- (2) If the following are to be done electronically, they must be done electronically by being transmitted using the systems specified:
- (a) The giving of an application for a permit and an amendment of an application for a permit;
  - (b) The issuing or giving of a permit.
- (3) Sub section 2 does not apply to permits issued under section 139 or 140 of this Schedule.
- (4) The following may be given electronically by being transmitted using the systems specified in sub section 1:
- (a) An application for a government and board permits;
  - (b) A government and board permits.
- (5) If a person has a disability, or a particular disability, the Board must take reasonable steps to ensure:
- (a) the person has equal opportunity in relation to the issuing, giving and receiving of documents referred to in subsection 2 and 4; and
  - (b) The special needs the person may have in relation the issuing, giving and receiving of the documents are met.

**153.****Inoperative system**

(1) If a system described in sub section 1 of this Schedule is inoperative, the information must be given in the manner specified by the Board in writing.

(2) Sub section 1 does not require the Board to specify the manner of giving information unless a system is inoperative.

**154.****Specifications for transmissions by the Board**

An electronic transmission made to a person (other than the Board) using the systems referred to in sub section 1 must be transmitted to the person as identified by the identifying code given to the person under section 157 of this Schedule.

**155.****Authentication for transmissions to the Board**

The sender of a transmission to the Board using the systems referred to in sub section.1 must authenticate the transmission by including the sender's identifying code.

**156.****Requirements are specifications for the purposes of the Act and the regulations**

The requirements specified in section 152 to 155 of this Schedule are specifications for the purposes of the Act and these regulations

**157.****Allocation of user identifying code**

The Board must take all reasonable steps to ensure that an identifying code for use in electronic transmissions is given to each person who may under subclauses section 141 (2) and (3) of this Schedule access the computer operating system for the purpose of the issue of permits.

## ***Schedule 10***

### ***Approved auditors***

#### **158.**

##### **Approved auditors**

- (1) The Board must keep a register of approved auditors.
- (2) The register must contain the following information about each approved auditor:
  - (a) The auditor's name; and
  - (b) Whether the approval is for approval as an approved auditor of:
    - (i) Operations for the preparation of milk and milk; or
    - (ii) operations in farming, producing, importing, exporting, processing, distributing, trading or manufacturing milk and milk products; or
    - (iii) Operations for the issue of permits; and
  - (c) If the approval is for approval as an approved auditor of operations for the preparation of milk and milk products— any limitations of the kind specified in section 162(3) (b) of this Schedule.
- (3) The Board must ensure that the register can be readily accessed by members of the public. The applicant must pay a registration and maintenance fees to the board. The fees are set or determined by the board.

#### **159.**

##### **Application for approval**

- (1) An individual may make a written application for approval as an approved auditor of:
  - (a) Operations for the preparation of milk and milk products; or
  - (b) operations in farming, producing, importing, exporting, processing, distributing, trading or manufacturing milk and milk products as food; or
  - (c) Operations for the issue of permits.
- (2) The application must be given to the Board and must be accompanied by:
  - (a) Evidence of the applicant's qualifications; and
  - (b) Details of the applicant's experience relevant to the work of an auditor; and
  - (c) Documented procedures for the conduct of audits by the applicant.
- (3) An application for approval as an approved auditor of operations for the preparation of milk and milk products as food must specify:
  - (a) That approval of the applicant is sought for the audit of compliance with all of the following:
    - (i) All of the applicable requirements of the Act and these Regulations; and
    - (ii) All requirements of approved arrangements and their conditions; and

- (iii) All other relevant requirements for all aspects of the preparation of all milk and milk products at all establishments; or
- (b) Must specify:
  - (i) The requirements; and
  - (ii) The aspects of preparation; and
  - (iii) The milk and milk products; and
  - (iv) The establishments (including industries or industry sectors) of a particular kind; and in relation to which the approval of the auditor is sought.

**160.****Request for information, documents or assessment**

The Board may request that the applicant do any of the following that the Board reasonably requires in order to decide the application:

- (a) Provide further specified information or documents;
- (b) Submit to assessment by interview, audit or written examination, or any combination of those ways.

**161.****Decision by the Board**

- (1) If the Board has not decided the application within 30 days after the day the application is received the Board is taken to have refused the application.

**162.****Approval by the Board**

(1) The Board may, by written notice given to the applicant, approve the applicant as an auditor if the Board is satisfied that:

- (a) The applicant has the necessary knowledge, training, skills and experience to competently carry out audits of the kind for which approval is sought; and
- (b) The audits conducted by the applicant will be objective, independent, fair and accurate and, unless stated otherwise in the audit report, will be complete; and
- (c) The applicant will comply with the requirements of these Regulations; and
- (d) The applicant will comply with documented procedures for the conduct of audits that are necessary to ensure:
  - (i) The matters specified in sub section 1 (b) and 1 (c) will be met; and
  - (ii) An accurate assessment can be made of whether the matters specified in sub section 1 (b) and 1 (c) are met; and
- (e) The applicant will comply with the procedures referred to in sub section 1 (d); and
- (f) The applicant is a fit and proper person

(2) Without limiting the matters, the Board may take into account for the purpose of being satisfied of the matters specified in sub section 1, the Board may take into account any real or perceived conflict of interest that could arise if the applicant was to be approved.

(3) The notice of approval of an approved auditor of operations for the preparation of milk and milk products:

(a) Must specify that the approval is for the audit of compliance with all of the requirements specified in section 159 (3) (a) of this Schedule for all aspects of the preparation of all milk and milk products at all establishments; or

(b) Must specify:

(i) The requirements; and

(ii) The aspects of preparation; and

(iii) The milk and milk products; and

(iv) The establishments (including industries or industry sectors) of a particular kind; and in relation to which the approval of is given.

#### Identity cards

The Board may issue to an approved auditor an identity card in a form approved by the Board.

If a person in possession of an identity card issued ceases to be an approved auditor, the person must forthwith return the identity card to the Board or a person nominated by the Board.

### 163.

#### **When the Board need not approve an auditor**

The Board need not approve the applicant as an auditor if the applicant:

(a) Either alone or jointly with another person owes any amount payable to the board; or

(b) has, in an application or other document given to the Board, or in a document or information required to be made or given under the Act, the Regulations or a condition of the approval of the auditor made a statement that is:

(i) False, misleading, or incomplete; or

(ii) For which there is no sound basis for making the statement.

### 164.

#### **Notice of decision**

If the Board decides not to approve the applicant as an approved auditor the Board must give the applicant written notice of:

(a) The decision and the reasons for the decision; and

(b) The applicant's right to apply for reconsideration of the decision.

**165.****Approval may be subject to conditions**

- (1) The Board may:
- (a) Approve a person as an approved auditor subject to conditions specified in the notice of approval; and
  - (b) By written notice given to the approved auditor impose new conditions or vary or revoke the conditions.
- (2) The conditions must be for the purpose of ensuring that the matters specified in section 162 (1) (a) to (e) of this Schedule are met.

**166.****How long approval lasts**

- (1) The approval of a person as an auditor takes effect on:
- (a) the day specified in the notice given under section 162 of this Schedule as being the day the approval takes effect; or
  - (b) If no day is so specified — the day that the notice is given to the person.
- (2) However, if the auditor must pay the fees to the board the approval does not begin to have effect until the fees are paid.
- (3) The approval of a person as an auditor ceases to have effect:
- (a) at the end of 12 months after the day specified in sub section 1 as the day the approval takes effect; or
  - (b) When it is revoked; whichever occurs first.

**167.****Assessing the competence of approved auditor**

- (1) The Board may assess the competence of an approved auditor, as often as the Board thinks necessary.
- (2) Without limiting sub section 1 the assessment may include:
- (a) An examination of reports made by the auditor in the course of auditing operations; and
  - (b) An audit of at least one operation that was audited under these Regulations within the previous six months by the auditor; and
  - (c) Observing the auditor while he or she is conducting an audit.

**168.****Revocation of approval of auditor**

- (1) The Board may by written notice revoke the approval of a person as an approved auditor if the Board:
- (a) Is satisfied that the applicant is not a fit and proper person.

(b) has reasonable grounds to believe the person does not have the necessary knowledge, training, skills or experience to competently carry out audits of the kind for which approval is given or the person has failed to show reasonable competence in audit work; or

(c) has reasonable grounds to believe an audit conducted or an audit report prepared by the person is not objective, independent, fair, accurate or complete (and the audit report fails to give sound reasons why the audit is incomplete); or

(d) Has reasonable grounds to believe the person has failed to comply with a requirement of these Regulations or a condition of the approval of the person as an approved auditor; or

(e) Has reasonable grounds to believe the person has in an application or other document given to the Board or in a document or information required to be made or given under the Act, the Regulations or a condition of the approval of the person as an approved auditor made a statement that is:

(i) False, misleading, or incomplete; or

(ii) For which there is no sound basis for making the statement.

(2) Without limiting the matters, the Board may take into account for the purpose of forming a view as to the matters specified in subclause 11.1, the Board may take into account any real or perceived conflict of interest.

(3) The revocation takes effect:

(a) on the day specified in the written notice of revocation given to the auditor concerned as being the day it takes effect; or

(b) If no such day is specified — when the written notice is given to the auditor concerned.

(4) The Board must give the auditor concerned written notice of:

(a) The reasons for the revocation; and

(b) The auditor's right to apply for reconsideration of the decision.

***Schedule 11***  
***Classes, Standards and Quality for Milk and Milk Products***

**169.**

**Classes of primary, modified and composite dairy products**

- (1) Classes, standard and quality of milk, milk products and milk related products must comply with the relevant schedules and recognised National, Regional and International standard setting bodies such as Eswatini Standards Authority, Milk South Africa, Milk producers Organisation (SA), International Dairy Federation, World organisation for Animal Health (OIE) Codex Alimentarius, Food and Agricultural Organisation (FAO) and the International Organisation for Standardisation (ISO)
- (2) Generally, international setting bodies are categorised as below
  - Food standards with Codex Alimentarius and FAO
  - Animal health and welfare standards with OIE
  - Standards for Methods of analysis and sampling with IDF/ISO, AOAC, USP
  - Standards for milking machines, dairy safety and quality management systems, environmental standards etc. with ISO and other organizations
- (3) Primary, modified, composite dairy products and related products shall, in the case of a type of product be specified.

**170.**

**Standards for primary, modified, composite dairy products and related products**

- (1) A product that is classified as being of a class referred here shall --
  - (a) Have a clean and characteristic flavour;
  - (b) Be free of any substance that does not naturally form part of milk; and
  - (c) Comply with the applicable standards specified
- (2) Primary, modified and composite dairy products shall comply with the additional requirements for each product concerned.
- (3) A primary, modified and composite dairy product may contain other foodstuffs and food additives to the extent permissible
- (4) The composite dairy product must be free of any substance that does not naturally form part of milk or the foodstuff that has been added thereto.

**171.**

**Standards for milk**

- (1) A dairy product of the type known as milk, recombined, reconstituted milk and related milk product shall;
  - (a) Not clot when boiled for five minutes; and
  
- (2) The word milk in the class designation of the type of a primary dairy product known as flavoured milk may be substituted by the word “milkshake” if the product shows thickening after agitation.

**Table 1: Classes of and standards for milk, milk products and milk related products**

Type of primary dairy product	Class designation	Alternate class designation	Milk fat content (%) (m/m)	Minimum milk solids not fat content		Minimum milk protein content calculated on a fat free basis (%) (m/m)	pH-value at 25 °C	Maximum freezing point (°C)	Additional requirements
				calculated on the total content (%) (m/m)	calculated on a fat-free basis (%) (m/m)				
1	2	3	4	5	6	7	8	9	10
Milk	High Fat Milk	High fat milk	More than 4.5	8.2	8.6	3	6.5 to 6.8	-0.512	
	Full fat milk	Full cream Milk/Whole Milk/ Milk	3.3 - 4.5	8.3	8.6	3	6.5 to 6.8	-0.512	

Type of primary dairy product	Class designation	Alternate class designation	Milk fat content (%) (m/m)	Minimum milk solids not fat content		Minimum milk protein content calculated on a fat free basis (%) (m/m)	pH-value at 25 °C	Maximum freezing point (°C)	Additional requirements
				calculated on the total content (%) (m/m)	calculated on a fat-free basis (%) (m/m)				
1	2	3	4	5	6	7	8	9	10
	Medium fat Milk; ;	2% medium fat milk; 2 % Reduced fat milk; Reduced fat milk	1.5- 3.3	8.4	8.6	3	6.5 € to 6.8	-0.512	
	Low fat milk	*	0.5- 1.5	8.4 5	8.6	3	6.5 € to 6.8	-0.512	
	Skim(med) milk	Fat free Milk	Less than 0.5	8.6	8.6	3	6.5 € to 6.8	-0.512	

Type of primary dairy product	Class designation	Alternate class designation	Milk fat content (%)(m/m)	Minimum milk solids not fat content		Minimum milk protein content calculated on a fat free basis (%)(m/m)	pH-value at 25 °C	Maximum freezing point (°C)	Additional requirements
				calculated on the total content (%)(m/m)	calculated on a fat-free basis (%)(m/m)				
1	2	3	4	5	6	7	8	9	10
Unsweetened condensed milk Unsweetened condensed milk	Unsweetened condensed high fat milk	Unsweetened evaporated high cream milk; unsweetened condensed high fat milk; unsweetened evaporated high fat milk;	More than 9	*	*	3.4	*	*	maximum moisture content (%)(m/m) : 75

Type of primary dairy product	Class designation	Alternate class designation	Milk fat content (%)(m/m)	Minimum milk solids not fat content		Minimum milk protein content calculated on a fat free basis (%)(m/m)	pH-value at 25 °C	Maximum freezing point (°C)	Additional requirements
				calculated on the total content (%)(m/m)	calculated on a fat-free basis (%)(m/m)				
1	2	3	4	5	6	7	8	9	10
	Unsweetened condensed full fat milk	Unsweetened evaporated full cream milk; unsweetened condensed milk; unsweetened evaporated milk; unsweetened condensed full cream milk; evaporated milk,	7.5 - 9	*	*		*	*	maximum moisture content (%)(m/m) : 75

Type of primary dairy product	Class designation	Alternate class designation	Milk fat content (%)(m/m)	Minimum milk solids not fat content		Minimum milk protein content calculated on a fat free basis (%)(m/m)	pH-value at 25 °C	Maximum freezing point (°C)	Additional requirements
				calculated on the total content (%)(m/m)	calculated on a fat-free basis (%)(m/m)				
1	2	3	4	5	6	7	8	9	10
	Unsweetened condensed medium fat milk	Unsweetened condensed reduced-fat milk; Medium-fat unsweetened evaporated milk; reduced-fat unsweetened evaporated milk;	2-5	*	*	3.4	*	*	maximum moisture content (%)(m/m) : 77
	Unsweetened condensed fat free milk	Unsweetened evaporated fat free milk; unsweetened condensed skim(med) milk	Less than 1	*	*	3.4	*	*	maximum moisture content (%)(m/m) : 80

Type of primary dairy product	Class designation	Alternate class designation	Milk fat content (%) (m/m)	Minimum milk solids not fat content		Minimum milk protein content calculated on a fat free basis (%) (m/m)	pH-value at 25 °C	Maximum freezing point (°C)	Additional requirements
				calculated on the total content (%) (m/m)	calculated on a fat-free basis (%) (m/m)				
1	2	3	4	5	6	7	8	9	10
Sweetened condensed milk	Sweetened condensed high fat milk	Sweetened evaporated high cream milk; Sweetened condensed high fat milk; Sweetened evaporated high fat milk;	More than 9						

Type of primary dairy product	Class designation	Alternate class designation	Milk fat content (%) (m/m)	Minimum milk solids not fat content		Minimum milk protein content calculated on a fat free basis (%) (m/m)	pH-value at 25 °C	Maximum freezing point (°C)	Additional requirements
				calculated on the total content (%) (m/m)	calculated on a fat-free basis (%) (m/m)				
1	2	3	4	5	6	7	8	9	10
	Sweetened condensed full fat milk	Sweetened evaporated full cream milk; sweetened condensed milk; sweetened evaporated milk; sweetened condensed full cream milk; evaporated milk,	7.5 - 9						

Type of primary dairy product	Class designation	Alternate class designation	Milk fat content (%) (m/m)	Minimum milk solids not fat content		Minimum milk protein content calculated on a fat free basis (%) (m/m)	pH-value at 25 °C	Maximum freezing point (°C)	Additional requirements
				calculated on the total content (%) (m/m)	calculated on a fat-free basis (%) (m/m)				
1	2	3	4	5	6	7	8	9	10
	Sweetened condensed medium fat milk	Sweetened condensed reduced-fat milk; Medium-fat sweetened evaporated milk; reduced-fat sweetened evaporated milk;	2-5						

Type of primary dairy product	Class designation	Alternate class designation	Milk fat content (%)(m/m)	Minimum milk solids not fat content		Minimum milk protein content calculated on a fat free basis (%)(m/m)	pH-value at 25 °C	Maximum freezing point (°C)	Additional requirements
				calculated on the total content (%)(m/m)	calculated on a fat-free basis (%)(m/m)				
1	2	3	4	5	6	7	8	9	10
	Sweetened condensed skim(med) milk	Sweetened evaporated skim(med) milk	Less than 1		*				
Flavoured Milk	High Fat flavoured Milk	*	More than 4.5	*	*	3			
	Full fat flavoured milk / full cream flavoured Milk	Flavoured Milk	3.3 - 4.5	*	*	3			

Type of primary dairy product	Class designation	Alternate class designation	Milk fat content (%) (m/m)	Minimum milk solids not fat content		Minimum milk protein content calculated on a fat free basis (%) (m/m)	pH-value at 25 °C	Maximum freezing point (°C)	Additional requirements
				calculated on the total content (%) (m/m)	calculated on a fat-free basis (%) (m/m)				
1	2	3	4	5	6	7	8	9	10
	Medium fat flavoured milk/ Reduced fat flavoured milk / Medium cream flavoured milk	2% Fat Flavoured milk	1.5- 3.3	*	*	3			
	Lowfat flavoured Milk		0.5 - 1.5	*	*	3			
	Fat free flavoured Milk		Skim(med) Flavoured milk	Less than 0.5	*	*	3		

**Table 1a: Indication of heat treatment for milk**

	<b>Pasteurised milk</b>	<b>Ultra-pasteurised milk</b>	<b>UHT Milk</b>	<b>Sterilised Milk</b>
<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>5</b>
Phosphatase	Negative	Negative	Negative	Negative
Peroxidase	Positive	Negative	Negative	Negative
B-Lactoglobulin	> 2600mg/litre	2000 – 2600 mg/litre	50 - 2000 mg/litre	< 50mg/litre
Lactulose	Not detectable	< 50mg/litre	50 - 600mg/litre	>600mg/litre

172.

***Standards for Cultured Milk***

(1) A primary dairy product of the type known as cultured milk shall:

(a) be obtained from heat treated milk and/or reconstituted or recombined milk that has been inoculated with a culture to produce a microbiological flora under controlled conditions which contain at least  $10^7$  colony forming units per gram (CFU/g) of viable lactic acid or lactic acid and aroma producing micro-organisms per gram of a product

**Table 2: Classes of and standards for cultured milk**

Type of primary dairy product	Class designation	Alternate Class Designation	Milk fat content (%) (m/m)	Minimum milk non-fat solids content		Minimum milk protein content calculated on a fat free basis (%) (m/m)	pH-value
				Calculated on the total content (%) (m/m)	Calculated on a fat free basis (%) (m/m)		
1	2	3	4	5	6	7	8
Cultured milk	Cultured high-fat milk	High-fat emasi; High-fat Emasi; High-fat Emasi; High fat sour milk	More than 4.5	8.2	8.6	3.0	Less than 4.6
	Cultured full-fat milk	Sour milk; Emasi; Emasi; Emasi; Cultured full cream milk; Full cream emasi; Full cream emasi	3.3 – 4.5	8.3	8.6	3.0	Less than 4.6
	Cultured medium fat milk	Cultured reduced fat milk; Reduced fat emas(z)i; Medium fat emas(z)i; Reduced fat sour milk; Medium fat sour milk;	1.5-3.3	8.4	8.6	3.0	Less than 4.6

Type of primary dairy product	Class designation	Alternate Class Designation	Milk fat content (%) (m/m)	Minimum milk solids content		Minimum milk protein content calculated on a fat free basis (%) (m/m)	pH-value
				Calculated on the total content (%) (m/m)	Calculated on a fat free basis (%) (m/m)		
1	2	3	4	5	6	7	8
	Cultured low-fat milk	Low-fat sour milk; Low-fat emasi; Low-fat emas (z)i	0.5 – 1.5	8.5	8.6	3.0	Less than 4.6
	Cultured fat-free milk	Cultured skim(med) milk; Skim(med) sour milk; Fat-free sour milk; Skim(med) emasi; Fat-free emasi; Skim(med) emas(z)i; Fat-free emas(z)i	Less than 0.5	8.6	8.6	3.0	Less than 4.6

**173.****Standards for Buttermilk & Cultured buttermilk**

- (1) A primary dairy product of the type known as buttermilk shall --
- (a) Be obtained by the butter making process, and may be inoculated with a butter culture or with lactic acid and aroma producing culture;
  - (b) in the case of the class known as cultured buttermilk, be obtained from pasteurised milk and/or reconstituted or recombined milk, soured by inoculation with a butter culture or lactic acid, or lactic acid and aroma producing culture and must contain at least  $10^7$  colony forming units per gram (CFU/g) of viable lactic acid and aroma producing micro-organisms per gram of a product

Type of primary dairy product	Class Designation	Alternate Class Designation	Milk fat content (%) (m/m)	Min solid non-fat (calc on total content)	pH-value
1	2	3	4	5	6
Buttermilk	High-fat buttermilk	*	More than 4.5	6.0	*
	Full-fat buttermilk	Buttermilk	3.3 – 4.5	6.0	*
	Medium fat buttermilk	Reduced fat buttermilk	1.5-3.3	6.0	*
	Low-fat buttermilk	*	0.5 – 1.5	6.0	*
	Fat-free buttermilk	Skim (med) buttermilk*	Less than 0.5	6.0	*
Cultured buttermilk	Cultured high-fat buttermilk	*	More than 4.5	8.3	Less than 4.6
	Cultured full-fat milk	Cultured milk	3.3 – 4.5	8.3	Less than 4.6
	Medium fat buttermilk	Reduced fat buttermilk	1.5 - 3.3	8.3	Less than 4.6
	Cultured low-fat buttermilk	*	0.5 – 1.5	8.3	

					Less than 4.6
	Cultured fat-free buttermilk	Skim(med) cultured buttermilk*	Less than 0.5	8.3	Less than 4.6

**Table 3: Classes of and standards for buttermilk & cultured butter milk**

174.

### Standards for Yoghurt

- (1) A primary dairy product of the type known as yoghurt shall;
- (a) Be manufactured mainly from the primary dairy products known as milk or recombined milk or reconstituted milk;
- (b) After pasteurisation be fermented with a yoghurt culture;
- (c) Contain at least  $10^7$  CFU of viable yoghurt culture per gram of a product.

**Table 4: Classes of and standards for yoghurt**

Type of primary dairy product	Class Designation	Alternate class designation	Milk Fat content % (m/m)	Minimum Milk solids non-fat content		Minimum Milk Protein content (%) (m/m)
				Calculated on the total content (%) (m/m)	Calculated on the fat free basis (%) (m/m)	
1	2	3	4	5	6	7
Yoghurt	High-fat yoghurt	Double – cream yoghurt	More than 4.5	8.2	8.6	2.7

	Full-fat yoghurt	Yoghurt; Full-cream milk yoghurt; Full-cream yoghurt	3.3 - 4.5	8.2	8.6	2.7
	Medium fat yoghurt	Reduced fat yoghurt	1.5-3.3	8.2	8.6	2.7
	Low-fat yoghurt	–	0.5-1.5	8.4	8.5	2.7
	Fat-free yoghurt	Skim(med) milk yoghurt	Less than 0.5	8.6	8.6	2.7

**175.****Standards for yoghurt with added foodstuffs and additives**

- (1) A composite dairy product of the type known as yoghurt with added foodstuffs and additives, shall --
  - (a) Have a clean and characteristic flavour;
  - (b) Comply with the applicable standards specified;
  - (c) Shall be manufactured mainly from the primary dairy products known as milk, or reconstituted or recombined milk;
  - (d) Be fermented with a yoghurt culture; and
  - (e) Contain at least  $10^7$  CFU of viable yoghurt-type micro-organisms per gram of a product
- (2) A composite dairy product of the type known as fruit yoghurt shall have a fruit content of at least 6 per cent but not more than 25 per cent on a mass to mass basis.
- (3) The total dry matter content of a composite dairy product of the type known as yoghurt with added foodstuffs and additives other than fruit, and which has been sweetened with a non-nutritive sweetener, shall, in the case of --
  - (a) High -fat yoghurt with added foodstuffs be at least 15.0 per cent (m/m);
  - (b) full-fat yoghurt with added foodstuffs be at least 14,5 per cent (m/m);
  - (c) medium-fat yoghurt with added foodstuffs be at least 14, 0 per cent (m/m);
  - (d) low-fat yoghurt with added foodstuffs be at least 13.5 per cent (m/m); and
  - (e) fat-free yoghurt with added foodstuffs be at least 13,0 per cent (m/m).

- (4) The total dry matter content of a composite dairy product of the type known as yoghurt with added fruit and additives, which has been sweetened with a non-nutritive sweetener, shall in the case of --
- (a) High -fat yoghurt with added foodstuffs be at least 15.0 per cent (m/m);
  - (b) full-fat yoghurt with added foodstuffs be at least 14,5 per cent (m/m);
  - (c) medium-fat yoghurt with added foodstuffs be at least 14,0 per cent (m/m);
  - (d) low-fat yoghurt with added foodstuffs be at least 13.5 per cent (m/m); and
  - (e) fat-free yoghurt with added foodstuffs be at least 13,0 per cent (m/m).
- (5) The total dry matter content of a composite dairy product of the type known as yoghurt with added foodstuffs and fruit, and which has been sweetened with a non-nutritive sweetener, shall, in the case of --
- (a) High -fat yoghurt with added foodstuffs be at least 15.0 per cent (m/m);
  - (b) full-fat yoghurt with added foodstuffs be at least 14,5 per cent (m/m);
  - (c) medium-fat yoghurt with added foodstuffs be at least 14,0 per cent (m/m);
  - (d) low-fat yoghurt with added foodstuffs be at least 13.5 per cent (m/m); and
  - (e) fat-free yoghurt with added foodstuffs be at least 13,0 per cent (m/m).
- (6) Drinking yoghurt and pouring yoghurt shall be obtained by mixing the type of yoghurt specified with potable water
- (a) Shall contain a minimum 40 % of the type of yoghurt concerned.;
  - (b) Contain minimum of 2.7 % (m/m) protein
- (7) If a specific microorganism is used in conjunction with a sale of any type of yoghurt, it must contain at least  $10^7$  CFU per gram of a product of that specified microorganism.

**Table 5: Classes of and standards for yoghurt with added foodstuffs**

<b>Type of composite dairy product</b>	<b>Class designation</b>	<b>Alternate class designation</b>	<b>Milk-fat content (%) (m/m)</b>	<b>Total dry matter content (%) (m/m)</b>	<b>Minimum milk Protein Content</b>	<b>Additional Requirements</b>
<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>5</b>	<b>6</b>	<b>7</b>
1. Fruit yoghurt	High-fat yoghurt	fruit Double-cream fruit yoghurt	More than 4.5	At least 18.0	2.7	
	Full-fat yoghurt	fruit Full-milk fruit yoghurt; Full-cream milk fruit yoghurt; Fruit yoghurt; Full-cream fruit yoghurt	3.3-4.5	At least 17.5	2.7	
	Medium fat yoghurt	Reduced fat yoghurt	1.5-3.3		2.7	
	Low-fat yoghurt	fruit -	0.5-1.5	More than 17.0	2.7	
	Fat-free yoghurt	fruit Skim(med) milk fruit yoghurt;	Less than 0.5	More than 16.5	2.7	

Type of composite dairy product	Class designation	Alternate class designation	Milk-fat content (%) (m/m)	Total dry matter content (%) (m/m)	Minimum milk Protein Content	Additional Requirements
1	2	3	4	5	6	7
		Skim (med) fruit yoghurt				
2. Yoghurt with added foodstuffs and additives other than fruit	High fat yoghurt with (name of added foodstuff)	Double cream yoghurt with (name of added foodstuff)	More than 4.5	More than 18.0	2.7	
	Full-fat yoghurt with (name of added foodstuff)	Full-cream yoghurt with (name of added foodstuff)	3.3 – 4.5	More than 17.5	2.7	
	Medium-fat yoghurt with (name of added foodstuff)	Reduced-fat yoghurt with (name of added foodstuff)	1.5-3.3	More than 17.0	2.7	
	Low-fat yoghurt with (name of added foodstuff)	-	0.5 - 1.5	More than 17.0	2.7	

<b>Type of composite dairy product</b>	<b>Class designation</b>	<b>Alternate class designation</b>	<b>Milk-fat content (%) (m/m)</b>	<b>Total dry matter content (%) (m/m)</b>	<b>Minimum milk Protein Content</b>	<b>Additional Requirements</b>
<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>5</b>	<b>6</b>	<b>7</b>
	Fat-free yoghurt with (name of added foodstuff)	-	less than 0.5	More than 16.5	2.7	
2. Yoghurt with added foodstuffs and fruit	High fat yoghurt with (name of added foodstuff and fruit)	Double cream yoghurt with (name of added foodstuff and fruit)	More than 4.5	More than 18.0	2.7	
	Full-fat yoghurt with (name of added foodstuff)	Full-cream yoghurt with (name of added foodstuff and fruit)	3.3 – 4.5	More than 17.5	2.7	
	Medium-fat yoghurt with (name of added foodstuff)	Reduced-fat yoghurt with (name of added foodstuff)	1.5-3.3	More than 17.0	2.7	
	Low-fat yoghurt with (name of added foodstuff and fruit)	-	0.5-1.5	More than 17.0	2.7	

Type of composite dairy product	Class designation	Alternate class designation	Milk-fat content (%) (m/m)	Total dry matter content (%) (m/m)	Minimum milk Protein Content	Additional Requirements
1	2	3	4	5	6	7
	Fat-free yoghurt with (name of added foodstuff and)	-	less than 0.5	More than 16.5	2.7	

176.

**Standards for Cream**

- (1) A primary dairy product of the type known as cream and cultured cream shall--
- (a) Comply with the provisions of the regulation.
- (2) In the case of cultured cream--
- (a) Be soured by inoculation with a lactic acid or lactic acid and aroma producing culture; and
- (b) Contain at least  $10^7$  CFU of viable lactic acid or lactic acid and aroma producing micro-organisms per gram of a product.

**Table 6: Classes of and standards for cream**

Type of composite dairy products	Class designation	Alternate class designation	Milk fat content (%) (m/m)	Minimum solid non fat calculated on a fat free (%) (m/m)	pH-value
1	2	3	4	5	6
1. Cream	Double cream		More than 45	8.6	6.5 – 6.8
	Whipping cream	Cream; thick cream; Whipped cream	30-45	8.6	6.5 – 6.8
	Whipped cream	-	25 - 30	8.6	6.5 – 6.8
	Dessert cream	Cooking cream	20- 25	8.6	6.5 – 6.8
	Medium fat cream	Thin cream; Pouring cream; Coffee cream	7.5-15	8.6	6.5 – 6.8

		Reduced fat cream.			
	Acidified cream	*	More than 20	8.6	Less than 4.6
	Medium fat acidified cream	Reduced fat acidified cream	7.5-15	8.6	Less than 4.6
	Cultured cream	Sour cream	More than 20	8.6	Less than 4.6
	Medium fat cultured cream	Medium fat sour cream; Reduced fat cultured cream Reduced sour cream	7.5-15	8.6	Less than 4.6

**177.****Standards for Cheese and cheese with added foodstuffs**

- (1) A primary dairy product of the type known as cheese and cheese with added foodstuffs shall;
- (a) be manufactured by coagulating wholly or partly the protein of milk, skimmed milk, low-fat milk, cream, whey or butter milk, or any combination of these materials, through the action of rennet or other suitable coagulating agents, and partially draining the whey resulting from the coagulation; and
  - (b) Comply with the provisions of the regulation.
- (2) Cheese and cheese with added foodstuffs may --
- (a) Be ripened or unripened soft, semi-soft, semi-hard or hard product and can be coated with wax or another protective substance; and
  - (b) The fat-in-dry-matter content of cheese with added foodstuffs may be up to five per cent less and the dry matter content be up to 5 per cent more than that required for cheese of the class designation concerned

## Classes and standards for cheese

Table 7: Classes of and standards for cheese

Type of cheese	Class designation	Alternative class designation	Fat in dry matter content		Minimum dry matter content (%)(m/m)	Minimum ripening period (weeks)
			Minimum (%)(m/m)	Maximum (%)(m/m)		
1	2	3	4	5	6	7
1. Hard cheese	High-fat cheese	Unspecified	60	*	56	*
	Full-fat cheese	Cacciocavallo	45	55	64	20
		Mature Cheddar	48	55	62	25
		Cheddar	48	55	61	6
		Emmental	45	55	60	8
		Gruyère	45	55	62	8
		Provolone	45	55	51	8
		Asiago	45	55	63	20
		Samsø	45	55	56	6
		Pecorino	45	55	60	12
		Unspecified	45	56	60	5
	Medium/Reduced-fat cheese	Parmesan	25	44	64	25
		Pecorino	25	44	56	12
		Medium/reduced-fat cheddar	35	*	58	*
Unspecified		10	44	52	8	

Type of cheese	Class designation	Alternative class designation	Fat in dry matter content		Minimum dry matter content (%)(m/m)	Minimum ripening period (weeks)
			Minimum (%)(m/m)	Maximum (%)(m/m)		
1	2	3	4	5	6	7
2. Semi-hard cheese	High-fat cheese	Drakensberg	56	*	56	*
		Unspecified	60	*	60	1
	High-fat blue mould cheese	Unspecified	60	*	56	6
	(Full-fat) cheese	Feta	45	59	45	*
		Cheshire	48	59	56	4
		Gouda or Sweet milk	48	59	55	4
		Mature Gouda	48	60	58	18
		Baby Gouda	48	60	55	4
		Harvati	45	59	52	6
		Tilsiter	45	59	53	4
		Mozzarella	45	59	45	*
		Danbo	45	59	53	6
		Halloumi	45	59	52	*
		Washed curd cheese	45	59	52	4
Unspecified	45	59	50	4		
(Full-fat) blue mould cheese	Blue Stilton	45	60	56	6	
	Wensleydale	50	60	56	6	
	Unspecified	50	59	56	6	

Type of cheese	Class designation	Alternative class designation	Fat in dry matter content		Minimum dry matter content (%)(m/m)	Minimum ripening period (weeks)
			Minimum (%)(m/m)	Maximum (%)(m/m)		
1	2	3	4	5	6	7
	(Full-fat) white mould cheese	Stilton: White Stilton	50	60	56	6
		Wensleydale	50	60	56	6
		Unspecified	50	59	50	6
	Medium fat cheese: Reduced-fat cheese	Edam	40	44	47	4
		Cumin	40	44	53	4
		Medium/ Reduced-fat Mozzarella	30 38	44	34	*
		Medium/reduced fat Gouda				
		Unspecified	10	44	45	*
	Medium fat white mould cheese ; Reduced -fat white mould cheese	Unspecified	*	10	*	*
	3. Semi-Soft cheese	High-fat cheese	Unspecified	60	*	55
	Full fat cheese	Unspecified	45	59	48	*
	Full-fat white mould cheese	St Paulin	45	59	48	4
		Camembert	45	59	44	1
		Bel Paese	45	60	50	*
	Brie	45	59	44	1	

Type of cheese	Class designation	Alternative class designation	Fat in dry matter content		Minimum dry matter content (%)(m/m)	Minimum ripening period (weeks)
			Minimum (%)(m/m)	Maximum (%)(m/m)		
1	2	3	4	5	6	7
	Full-fat blue mould	Unspecified	48	54	50	2
	Medium/Reduced fat cheese	Robiola	35	44	35	*
		Roquefort	50	60	56	6
		Gorgonzola	50	60	56	6
		Unspecified	25	44	*	*
	Medium/Reduced-fat white mould cheese	Brie	40	44	44	1
		Camembert	40	44	44	1
Unspecified		*	10	20	*	
4. Soft cheese	High-fat cheese	Unspecified	60	*	50	*
	(Full-fat) cheese	Limburger	45	60	38	*
		Romadur	45	60	40	*
		Unspecified	45	59	40	*
	Full-fat white mould cheese	Unspecified	50	59	45	*
	Medium-/Reduced fat cheese	Medium/Reduced -fat ricotta	25	44	25	*
Unspecified		25	44	*	*	
	Coulommiers	40	44	44	2	

Type of cheese	Class designation	Alternative class designation	Fat in dry matter content		Minimum dry matter content (m/m)	Minimum ripening period (weeks)
			Minimum (m/m)	Maximum (m/m)		
1	2	3	4	5	6	7
	Medium/Reduced -fat white mould cheese	Reduced -fat ricotta Unspecified	25 *	44 10	* 20	* *

\* Not specified

## 178.

### Standards for processed cheese and cheese spread

- (1) Primary dairy products of the type known as process(ed) cheese and cheese spread shall;
  - (a) be manufactured by the grinding, mixing, melting and emulsifying, with the aid of heat and an emulsifying agent, of a type of cheese specified;
  - (b) during the manufacture thereof be heat treated for 30 seconds at a temperature of 70°C, or any other equivalent or greater time/temperature combination; and
  - (c) Comply with the provisions of these regulations.
  
- (2) If a designation is used in connection with the sale thereof, consist of at least 50 per cent of the cheese concerned: Provided that the fat-in-dry-matter content of that process cheese or cheese spread may be up to three per cent less than that required for cheese of the designation concerned.

**Table 8: Classes of and standard for process(ed) cheese and cheese spread(s)**

Type of cheese	Class designation	Alternative class designation	Fat in dry matter content		Minimum dry matter content (%) (m/m)
			Minimum (%) (m/m)	Maximum (%) (m/m)	
1	2	3	4	5	6
1.Process(ed) cheese	High-fat process (ed) cheese	*	60	*	52
	Full-fat process (ed) cheese	Full-cream process(ed) cheese	45	59	45
	Medium-fat process (ed) cheese	Reduced fat process (ed) cheese	25	44	40
	Skim(med) process cheese		*	10	34
2. Cheese spread	High-fat cheese spread	*	60	*	44
	(Full-fat) cheese spread	Full-cream cheese spread	45	59	41
	Medium-fat cheese spread	Reduced fat cheese spread	25	45	31
	Skim(med) cheese spread	*	*	10	29

\* Not specified

179.

**Standards for Cream Cheese and cream cheese with added foodstuffs**

- (1) A primary dairy product of the type known as cream cheese and cream cheese with added foodstuffs shall;
- (a) Be manufactured mainly from the primary dairy product known as milk or products

Type of cheese	Class designation	Alternative class designation	Fat in dry matter content		Minimum dry matter content (%) (m/m)	Milk-fat content (%) (m/m)
			Minimum (%) (m/m)	Maximum (%) (m/m)		
1	2	3	4	5	6	7
Cream cheese	Full fat Cream cheese	Mascarpone; Cream cheese	70	*	45	At least 33
	Medium fat cream cheese	Reduced fat cream cheese	20	69	38	At least 24 but less than 28

obtained from milk.

- (2) The fat-in-dry-matter content of cream cheese with added foodstuffs must be free of any substance that does not naturally form part of cheese or the foodstuff that has been added thereto

**Table 10: Classes of and standards for cream cheese**

180.

**Standards for Cottage cheese and cottage cheese with added foodstuffs**

- (1) A primary dairy product of the type known as cottage cheese and cottage cheese with added foodstuffs shall be manufactured from milk or milk products with or without added foodstuffs where applicable.
- (2) A primary dairy product of the type known as creamed cottage cheese shall be manufactured mainly from the primary dairy product known as cottage cheese and cream.
- (3) Comply with the provisions of the regulation.

**Table 11: Classes of and standards for cottage cheese, cottage cheese with added foodstuffs and creamed cottage cheese**

Type of primary dairy product	Class designation	Alternate class designation	Maximum moisture content (%) (m/m)	Total dry matter content (%) (m/m)	Fat-in dry matter content (%) (m/m)
1	2	3	5	6	7
1. Cottage cheese	Full-fat cottage cheese	Cottage cheese; Full cream cottage cheese, Creamed cottage cheese	75	*	45-60
	Medium fat cottage cheese	Reduced fat/cream cottage cheese;	77	*	25-45

Type of primary dairy product	Class designation	Alternate class designation	Maximum moisture content (%) (m/m)	Total dry matter content (%) (m/m)	Fat-in dry matter content (%) (m/m)
1	2	3	5	6	7
2. Cottage cheese with added foodstuffs	Full-fat cottage cheese with (name of added foodstuff)	Cottage cheese; Full cream cottage cheese (name of the added foodstuff), Creamed cottage cheese (name of the added foodstuff)	73	More than 27.0	45-60
	Medium fat cottage cheese with (name of added foodstuff)	Reduced fat cottage cheese (name of the added foodstuff);	75	More than 25.0	25-45

**181.****Standards for Butter**

(1) A primary dairy product of the type known as butter shall;

- (a) Be manufactured by churning cream until the fats separate from the liquid;
- (b) Comply with the provisions of the regulation; and
- (c) Not contain any animal fat, vegetable oil or marine fat.

(2) Cream that is intended for the manufacturing of butter may by means of a substance the use of which is permitted for this purpose be neutralized to a pH of not higher than 7.6.

**Table 12: Classes of and standards for butter**

Type of primary dairy product	Class designation	Alternate class designation	Milk-fat (%) (m/m)	Maximum moisture content (%) (m/m)	Maximum solids-not-fat content (%) (m/m)
1	2	3	4	5	6
1.Butter	Salted butter	Salted butter; Butter	At least 80	16	2
	Unsalted butter	Unsalted butter	At least 80	16	2
	Medium-fat butter	Reduced fat butter	50 - 65	*	*

**182.****Standards for modified butter**

(1) A modified dairy product of the type known as modified butter shall be manufactured from butter blended with plant fat, animal fat and/or marine fat; and

(a) Comply with the provisions of the regulation.

**Table 13: Classes of and standards for modified butter**

Type of primary dairy product	Class designation	Alternate class designation	Minimum milk fat content	Maximum vegetable oil content (%) (m/m)	Maximum marine fat content (%) (m/m)	Total fat content (%) (m/m)	Additional requirements
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			(%)(m/m)				
1	2	3	4	5	6	7	9
Modified butter	High-fat modified butter	Butter spread; Modified butter	40	40	40	75 - 85	
	Medium-fat modified butter	Reduced-fat modified butter; Reduced-fat butter spread; Medium - fat butter spread	30	30	30	50 - 65	

**183.**

**Standards for Dairy powder and Dairy powder blend**

- 1) Primary dairy products of the type known as dairy powder and dairy powder blend shall;
  - (a) Be manufactured by partial removal of water from the primary liquid product concerned;
  - (b) In the case of milk powder when diluted according to the manufacturer's prescribed dilution ratio; and
  - (c) Comply with the provisions of these regulations.

**Table 14: Classes of and standards for dairy powders and dairy powder blends**

<b>Types of dairy powder product</b>	<b>Class designation</b>	<b>Alternative class designation</b>	<b>Milk fat (%) (m/m)</b>	<b>Minimum protein content calculated on solid non-fat basis (%) (m/m)</b>	<b>Maximum moisture content (%) (m/m)</b>
<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>5</b>	<b>6</b>
1. Milk powder	High-fat milk powder	-	More than 42	34	5
	Full-fat milk powder	(Whole) Milk powder, Full cream dry milk, Full cream milk powder, Full-fat dry milk, Full-cream milk powder	26 - 42	34	5
	Medium fat milk powder	Medium fat dry milk; Reduced fat milk powder; Reduced fat dry milk	1.5 - 26	34	5
	Skim(med) milk powder	Skim(med) milk dry milk	Less than 1.5	34	5
2. Cream powder	Full-fat Cream powder	Cream powder	More than 42	34	5
	Medium fat cream powder	Reduced fat cream powder	1.5 - 26	34	5

<b>Types of dairy powder product</b>	<b>Class designation</b>	<b>Alternative class designation</b>	<b>Milk fat (%) (m/m)</b>	<b>Minimum protein content calculated on solid non-fat basis (%) (m/m)</b>	<b>Maximum moisture content (%) (m/m)</b>
<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>5</b>	<b>6</b>
	Skim(med) cream powder	*	Less than 1.5	34	5
3. Buttermilk powder	Buttermilk powder	Dry buttermilk	*	34	5
4. Whey powder	High –protein whey powder	Whey protein concentrate	*	35	5
	Whey powder	Dry whey	*	10	5
	Acid Whey powder	Dry acid whey	*	7	4.5
5. Cheese powder	Cheese powder	-	At least 18	*	5
6. Dairy powder blend	High-fat dairy powder blend	*	More than 42	30	5
	Full-fat dairy powder blend	Full-cream dairy powder blend	26 - 42	30	5
	Medium-fat dairy powder blend	Reduced fat dairy powder blend	1.5 - 26	30	5
	Skimmed dairy powder blend	*	Less than 1.5	30	

### 184. Standards for Milk fats

- (1) A primary dairy product of the type known as milk fat shall --
- (a) Be manufactured by removal of water and non-fat solids from milk or products obtained from milk; and
  - (b) Comply with the provisions of the regulation.

**Table 15: Classes of and standards for milk fats**

Types of dairy powder product	Class designation	Alternative class designation	Minimum Milk fat (%) (m/m)	Maximum moisture content (%) (m/m)
1	2	3	4	6
Anhydrous milk fat	Ghee; Butter oil	Dry milk fat, Anhydrous milk fat, Anhydrous Butter oil; Milk fat;	More than 99.6	0.5

### 185. Standards for Dairy liquid blend and cultured dairy liquid blends

- (1) A primary dairy product of the type known as dairy liquid blend and cultured dairy liquid blend shall: -
- (a) Comply with the provisions of regulation 4; and
  - (b) Shall contain no animal, plant and marine fat.
- (2) A primary dairy product of the type known as cultured dairy liquid blend shall --
- (a) Be manufactured from pasteurized dairy liquid blend which has been inoculated with a culture to produce a specific microbiological flora under controlled conditions; and
  - (b) Contain at least  $10^7$  CFU of viable lactic acid producing micro-organisms per gram of a product.



**Table 16: Classes of and standards for dairy liquid blends and cultured dairy liquid blends**

Type of composite dairy product	Class designation	Alternate class designation	Milk fat content	Minimum solids non fat content		Minimum milk protein content calculated on a fat free basis (%) (m/m)	pH- value
				Calculated on the total content (%) (m/m)	Calculated on a fat free basis (%) (m/m)		
1	2	3	4	5	6	7	8
Dairy liquid blend	High-fat dairy liquid blend	High-fat dairy blend; High-fat dairy mixture	More than 4.5	8.2	8.6	2.6	*
	Full-fat dairy liquid blend	Full-cream dairy liquid blend; Full-cream dairy mixture	3.3 - 4.5	8.3	8.6	2.6	*

Type of composite dairy product	Class designation	Alternate class designation	Milk fat content	Minimum solids non fat content		Minimum milk protein content calculated on a fat free basis (%) (m/m)	pH- value
				Calculated on the total content (%) (m/m)	Calculated on a fat free basis (%) (m/m)		
<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>5</b>	<b>6</b>	<b>7</b>	<b>8</b>
	Medium fat dairy liquid blend	Medium / Reduced fat dairy blend; Medium/ Reduced fat dairy liquid mixture; Medium/ Reduced fat dairy mixture	1.5-3.3	8.3	8.6	2.6	
	Low-fat dairy liquid blend	Low-fat dairy blend; Low-fat dairy liquid mixture; Low-fat dairy mixture	0.5 - 1.5	8.4	8.6	2.6	*
	Fat-free dairy liquid blend	Fat-free dairy blend; Fat-free dairy mixture; Fat-free dairy liquid mixture	Less than 0.5	8.6	8.6	2.6	*

Type of composite dairy product	Class designation	Alternate class designation	Milk fat content	Minimum solids non fat content		Minimum milk protein content calculated on a fat free basis (%) (m/m)	pH- value
				Calculated on the total content (%) (m/m)	Calculated on a fat free basis (%) (m/m)		
1	2	3	4	5	6	7	8
Cultured dairy liquid blend	High-fat cultured dairy liquid blend	High-fat cultured dairy blend (mix (ture)); High-fat emasi blend (mix (ture))	More than 4.5	8.2	8.6	2.6	Less than 4.6
	Full-fat cultured dairy liquid blend	Full-cream cultured dairy liquid blend (mix (ture)); Full-fat cultured dairy blend (mix (ture)); Cultured dairy blend (mix (ture)); Emasi blend (mix (ture))	3.3- 4.5	8.3	8.6	2.6	Less than 4.6
	Medium fat cultured liquid blend	Reduced fat cultured liquid blend (mix (ture))	1.5-3.3				

Type of composite dairy product	Class designation	Alternate class designation	Milk fat content	Minimum solids non fat content		Minimum milk protein content calculated on a fat free basis (%) (m/m)	pH- value
				Calculated on the total content (%) (m/m)	Calculated on a fat free basis (%) (m/m)		
<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>5</b>	<b>6</b>	<b>7</b>	<b>8</b>
	Low-fat cultured dairy liquid blend	Low-fat cultured dairy blend; Low- fat Emasi blend	0.5 - 1.5	8.4	8.6	2.6	Less than 4.6
	Fat-free cultured dairy liquid blend	Fat-free cultured dairy blend; Fat- free Emasi blend	Less than 0.5	8.6	8.6	2.6	Less than 4.6

**186.**

**Classes and standards of imitation dairy products or dairy substitutes**

(1) An imitation dairy product shall --

- (a) In the case of a type of product specified;
- (b) Have a clean and characteristic flavour;
- (c) be free of any substance that does not naturally form part of the raw materials from which it is manufactured;
- (d) Comply with the applicable standards specified; and
- (e) in the case of imitation milk, have at least the same fat content, protein content and carbohydrate content as a dairy product with corresponding appearance, organoleptic characteristics and intended use.

(2) At least 50 per cent of the dry matter content of an imitation dairy product of the type known as imitation milk product shall consist of milk solids: Provided that at least 50 per cent of such milk solids shall consist of a primary dairy product of the class known as fat-free milk powder.

(3) An imitation dairy product of the type known as blend of skimmed milk with vegetable oil or fat shall consist of milk constituents, to which vegetable oil or fat has been added.

(4) The imitation dairy product shall, in the case of a powdered form, contain no more than 5 % moisture and the word "powder (ed)" must form part of the class designation.

(5) An imitation dairy product may contain other foodstuffs and food additives to the extent permissible.

**Table 17: Classes of and standards for imitation dairy products**

<b>Type of imitation dairy product</b>	<b>Class designation</b>	<b>Minimum total fat content (%) (m/m)</b>	<b>Minimum protein content calculated on a fat-free basis (%) (m/m)</b>	<b>Additional requirements</b>
<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>5</b>
1. Creamer	Coffee-creamer Tea-creamer	*	*	
2. Imitation milk powder	Blend	*	20	
3. Imitation milk	Liquid blend (mix (ture))			
4. Imitation-cream	Dessert topping Non-dairy cream	20	*	
5. Blend of skim (med) with vegetable oil or fat.	Sweetened condensed milk with vegetable oil or fat	7.5	34	
6. Imitation Cheese	Imitation Cheese	*	*	

\* Not specified

***Schedule 12***  
***Sampling and Method of Analysis***

(187)

**Sampling and method of analysis****TABLE 18- METHODS OF ANALYSIS**

<b>Nature of determination</b>	<b>No. of publication</b>	<b>Date issued</b>	<b>Title</b>
<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>
1. Organoleptic (sensory) evaluation	ISO 2935 IDF 099 Part s1, 2 & 3	2009	Milk and milk products - Sensory analysis
2. Fat content	ISO 1211 IDF 001	2010	Milk - Determination of fat content - Gravimetric method (Reference method)
	ISO 1735 IDF 005	2004	Cheese and processed cheese products – Determination of fat content – Gravimetric method (Reference method)
	ISO 1736 IDF 009	2008	Dried milk and dried milk products - Determination of fat content – Gravimetric method (Reference method)

Nature of determination	No. of publication	Date issued	Title
1	2	3	4
	ISO 1737 IDF 013	2008	Evaporated milk and sweetened condensed milk - Determination of fat content - Gravimetric method (Reference method)
	ISO 2450 IDF 016	2008	Cream - Determination of fat content – Gravimetric method (Reference method)
	ISO 7208 IDF 022	2008	Skimmed milk, whey and buttermilk - Determination of fat content - Gravimetric method (Reference method)
	IDF 24	1964	Determination of the fat content of butter oil
	ISO 488 IDF 105	2008	Milk - Determination of fat content - Gerber butyrometers
3. Milk protein content	ISO 8968-1 IDF 20-1	2001	Milk - Determination of nitrogen content – Part 1: Kjeldahl method (including calculation of crude protein content)
	ISO 8968-2 IDF 20-2	2001	Milk – Determination of nitrogen content - Part 2: Block-digestion method (Macro method) (including calculation of crude protein content)

Nature of determination	No. of publication	Date issued	Title
1	2	3	4
	ISO 8968-3 IDF 20-3	2004	Milk – Determination of nitrogen content – Part 3: Block-digestion method (Semi-micro rapid routine method) (including calculation of crude protein content)
4. Total solids	ISO 5534 IDF 004	2004	Cheese and processed cheese – Determination of the total solids content (Reference method)
	IDF 15B	1991	Sweetened condensed milk – Determination of the total solids content (Reference method)
	IDF 21B	1987	Milk, cream and evaporated milk – Determination of total solids content (Reference method)
5. Moisture content	ISO 5536 IDF 023	2009	Milkfat products - Determination of water content - Karl Fisher method
	ISO 5537 IDF 026	2004	Dried milk - Determination of moisture content (Reference method)
	ISO 8851-1 IDF 191-1	2004	Butter - Determination of moisture, non-fat solids and fat contents (Routine methods) – Part 1: Determination of moisture content

<b>Nature of determination</b>	<b>No. of publication</b>	<b>Date issued</b>	<b>Title</b>
<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>
6. Freezing point	ISO 5764 IDF 108	2009	Milk - Determination of freezing point - Thermistor cryoscope method (Reference method)
7. Salt content	ISO 1738 IDF 012	2004	Butter - Determination of the salt content
	ISO 5943 IDF 088	2006	Cheese and processed cheese products - Determination of chloride content - Potentiometric titration method
8. Moisture, solids-not-fat and fat content	ISO 3727-1 IDF 080-1	2001	Butter - Determination of moisture, non-fat solids and fat contents –
	ISO 3727-2 IDF 080-2	2001	Part 1: Determination of moisture content (Reference method)
	ISO 3727-3 IDF 080-3	2003	Part 2: Determination of non-fat solids content (Reference method)  Part 3: Calculation of fat content
9. Dispersibility and wettability	IDF 87	1979	Instant dried milk - Determination of the dispersibility and wettability

**SCHEDULE 13**  
**SAFE MILK**

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**Restrictions**

- (1) No person shall use or sell raw milk intended for further processing which -
- (a) contains the following:
    - (i) Antibiotics or other antimicrobial substances in amounts that exceed the maximum residue levels stipulated by the board or which virtue of a presumptive test is suspected to contain antibiotics or other antimicrobial substances in amounts that exceed such maximum residue levels;
    - (ii) pathogenic organisms, extraneous matter or any inflammatory product or other substances which for any reason whatsoever may render the milk unfit for human consumption;
  - (b) gives a positive result when subjected to the clot-on-boiling test
  - (c) gives a standard plate count of more than 200 000 colony forming units per 1,0ml when subjected to the standard plate count test or the dry rehydrated film method for standard colony count
  - (d)
    - (i) Exceeds the most probable number (MPN) of 10,0 coliform bacteria per 1,0 ml milk or, if the test for coliforms is used, the number of colony forming units exceeds 20 per milliliter of milk; or
    - (ii) on application of the modified Eijkmann test, the VRB MUG agar method, or the dry rehydrated film method is found to contain any *Escherichia coli* in 0,01ml of raw milk. When the Eijkmann test is used, or any *Escherichia coli* in 1,0ml of raw milk;
  - (e) when subjected to the Standard Methods for Counting Somatic Cells in Bovine Milk, is found to contain an average of 500 000 or more somatic cells per 1,0ml of bovine milk or an average of 750 000 or more cells per 1, 0ml goat's or sheep's milk after three successive readings at intervals of at least seven days during the test period, of which shows any other signs of abnormal secretory activity of the mammary gland(s);
  - (f) fails the ethanol stability test; and
  - (g) is not packed in a closed container.
- (2).
- (a) No person shall sell any raw milk, raw cream, raw skimmed milk, raw reconstituted (prepared) milk, raw reconstituted (prepared) skimmed milk or raw milk that has become sour, without the necessary permit or licence issued by the board.
  - (b) Applicants for a permit or licence stipulated in 2(1) above must apply in writing to the board.

- (3). No person shall sell for consumption raw milk, raw cream, raw skimmed milk, raw reconstituted (prepared) milk or raw reconstituted (prepared) skimmed milk which -
- (a) contains the following:
    - (i) Antibiotics or other antimicrobial substances in amounts that exceed the maximum residue levels stipulated by the board or which by virtue of a presumptive test is suspected to contain antibiotics or other antimicrobial substances in amounts that exceed such maximum residue levels;
    - (ii) pathogenic organisms, extraneous matter or any inflammatory product or other substance which for any reason whatsoever may render the product unfit for human consumption;
  - (b) gives a standard plate count of more than 50 000 colony forming units (CFUs) per 1,0ml of the product when subjected to the standard plate count test or the dry rehydrated film method for standard colony count
  - (c) gives a positive result when subjected to the clot-on-boiling test
  - (d) fails the ethanol stability test
  - (e) on execution of the modified Eijkmann test, the VRB MUG agar method or the dry rehydrated film method is found to contain any *Escherichia coli* in 1,0ml of fluid or 1,0g of cream;
  - (f) on subjection to the standard routine Method for the Counting of Coliform Bacteria in raw milk or on application of the VRB MUG agar method or on using the dry rehydrated film method, is found to contain more than 20 coliform bacteria in 1, 0ml of fluid; or
  - (g) on subjection to the coliform bacteria test, exceeds the most probable number (MPN) of 10,0 coliform bacteria per 1, 0ml of fluid or 1,0g of semi-solid product;
  - (h) in the case of raw milk, on subjection to the Standard Method for Counting Somatic Cells in Bovine Milk, is found to contain an average of 500 000 or more somatic cells per 1, 0ml of bovine milk or an average of 750 000 or more cells per 1, 0ml of goat's or sheep's milk after three successive readings at intervals of at least seven days during the test period, or which shows any other signs of abnormal secretory activity of the mammary gland(s);
  - (i) is not packed in a closed container;
  - (j) does not bear clearly on the label the words: "Unpasteurised" / or "Raw milk"
  - (k) when the milk is sold in the consumer's own container, is tapped from a container which does not bear a label clearly indicating the words: "Unpasteurised" / or "Raw milk"
  - (l) is not derived from a herd enrolled in the Bovine Tuberculosis Scheme and the Bovine Brucellosis Scheme or is not derived from a herd which annually tests negative for tuberculosis and brucellosis.
  - (m) is not derived from a herd which tests negative for foot and mouth disease
- (4). No person shall sell for consumption raw milk that has become sour which -

- (a) contains the following:
- (i) Antibiotics or other antimicrobial substances in amounts that exceed the maximum residue levels stipulated by the board or which by virtue of a presumptive test is suspected to contain antibiotics or other antimicrobial substances in amounts that exceed such maximum residue levels;
  - (ii) pathogenic organisms, extraneous matter or any inflammatory product or other substance which for any reason whatsoever may render the raw milk unfit for human consumption;
- (b) on application of the modified Eijkmann test or the VRB MUG agar method, is found to contain any *Escherichia coli* in 1, 0ml of the product;
- (c) on subjection to the VRB MUG agar method or the dry rehydrated film method, contains more than 50 coliform bacteria per 1, 0ml of the product;
- (d) is not packed in a closed container;
- (e) does not bear clearly on the label the words: “Unpasteurised sour milk” / or “Raw sour milk”
- (f) when the milk is sold in the consumer’s own container, is tapped from a container which does not bear a label clearly indicating the words: “Unpasteurised sour milk” / or “Raw sour milk”.
- (5). No person shall sell pasteurised milk, pasteurised reconstituted (prepared) milk, pasteurised skimmed milk, pasteurised reconstituted (prepared) skimmed milk or pasteurised cream which-
- (a) contains the following:
- (i) Antibiotics or other antimicrobial substances in amounts that exceed the maximum residue levels stipulated by the board or which by virtue of a presumptive test (for example the Kundrat test) is suspected to contain antibiotics or other antimicrobial substances in amounts that exceed such maximum residue levels;
  - (ii) pathogenic organisms, extraneous matter or any inflammatory product or other substance which for any reason whatsoever may render the product unfit for human consumption;
- (b) has been shown by the Aschaffenburg and Mullen phosphate test or any other test to yield the equivalent of 10 micrograms or more of p- nitrophenol per 1,0ml;
- (c) on execution of the VRB MUG agar method or the dry rehydrated film method is found to contain more than 10,0 coliform bacteria in 1,0ml or exceeds the most probable number (MPN) of 10,0 coliform bacteria per 1, 0ml of milk or 1, 0g of semi-solid product; or
- (d) on execution of the modified Eijkmann test, the VRB MUG agar method or the dry rehydrated film method, is found to contain any *Escherichia coli* in 1, 0ml of milk or 1, 0g of semi-solid product;
- (e) gives a standard plate count of more than 50 000 colony forming units (CFUs) per 1, 0ml of fluid or per 1,0g of semi-solid product

- (f) is not packed in a hermetically sealed container when sold to the ultimate consumer:
- (g) in cases where the consumer supplies his or her own empty container to be filled from a bulk tank or container, the filled container needs to be hermetically sealed;
- (6). No person shall sell sterilised cream, sterilised milk, sterilised reconstituted (prepared) milk or UHT cream or UHT milk which -
- (a) contains the following:
- (i) Antibiotics or other antimicrobial substances in amounts that exceed the maximum residue levels stipulated by the board or which by virtue of a presumptive test is suspected to contain antibiotics or other antimicrobial substances in amounts that exceed such maximum residue levels;
  - (ii) pathogenic organisms, extraneous matter or any inflammatory product or other substances which for any reason whatsoever may render any such product unfit for human consumption;
- (b) shows an increase in titratable acidity greater than 0,02, expressed as grams of lactic acid per 100ml of milk, after incubation at 30°C +/- 1°C for 14 days;
- (c) shows any signs of coagulation or blown containers after incubation;
- (d) is not packed in a hermetically sealed container when sold to the ultimate consumer.
- (7). No person shall sell any dairy product or composite product which -
- (a) contains the following:
- (i) Antibiotics or other antimicrobial substances in amounts that exceed the maximum residue levels stipulated by the board or which by virtue of a presumptive test is suspected to contain antibiotics or other antimicrobial substances in amounts that exceed such maximum residue levels;
  - (ii) pathogenic organisms, extraneous matter or any inflammatory product or other substance which for any reason whatsoever may render any such product unfit for human consumption;
- (b) in the case of milk powder or skimmed milk powder, contains more than 50 000 colony forming units per gram on application of the standard plate count test; with the exception of ripened cheese
- (c) in the case of ripened cheese -
- (i) contains more than 50 coliform bacteria per 1, 0ml of fluid or 1,0g of solid or semi-solid product;
  - (ii) on execution of the modified Eijkmann test or the VRB MUG agar method, is found to contain any *Escherichia coli* in 1, 0ml of fluid or 1,0g of solid or semi-solid product;
  - (iii) contains more than 1 000 coliform bacteria per 1, 0g of the product;

(iv) on execution of the modified Eijkmann test or the VRB MUG agar method, is found to contain any *Escherichia coli* per 1,0 ml of fluid or 1,0g of solid or semi-solid product;

(d) is not packed in a hermetically sealed package or in a closed package.

- (8). No person shall sell any dairy product or composite dairy product which contains any food additive not permitted by this regulation.
- (9). No person shall sell milk, cream or any dairy product that is not derived from the mammary gland(s) of lactating cows of the bovine species or of goats or sheep unless it is labelled in accordance with the requirements of the labelling under this regulation.
- (10). No pasteurised milk, pasteurised cream or pasteurised reconstituted (prepared) milk which is returned to the milk processing plant shall be resold or processed for resale.
- (11) Consumption of raw and untested milk is not permitted
- (12) Consumption of raw and unprocessed milk is not permitted
- (13). In determining whether milk, dairy products and composite dairy products meet the requirements laid down in regulations the tests prescribed therein shall be conducted and these tests shall be conclusive for the said purpose

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### Methods for the testing of milk, cream, dairy and dairy related products

- (1) (a) The tests set forth shall be conducted in appropriate cases in order to ascertain the suitability of milk, cream, dairy products and dairy related products for human consumption. Samples shall not be frozen but shall be kept at a temperature below 5°C and shall be tested within 48 hours of collection: Provided that these requirements shall not apply to dried dairy products, sterilized milk, UHT milk and condensed dairy products in their unopened containers
- (b) For the purpose of this section, “milk” shall include raw milk, milk that has undergone pasteurisation or sterilisation or ultra high temperature treatment, and cream.

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### Microbiological tests

- (1) (a) All distilled water used in the preparation of mediums shall be glass distilled water or water of similar purity.

- (b) All glassware used in the tests prescribed shall be sterile.
- (c) The sterility of all glassware, media and diluents shall be checked by -
  - (i) testing representative control tubes, control dishes and growth media used in each batch of tests;
  - (ii) using the appropriate and approved growth medium.
- (d) All pipettes of the blow-out type shall be suitably plugged with non-absorbent cotton wool.
- (e) All glassware used for volumetric measurement shall have an accuracy and approved measurement level
- (f) All chemicals used in the preparation of the solutions and media shall, except where otherwise prescribed, be of an analytical reagent grade or a grade suitable for the preparation of bacteriological media.
- (g) Appropriate dehydrated culture media, where such preparations are available, may be used instead of the media prescribed: Provided that such dehydrated media shall conform to the description given and yield equivalent results: Provided further that any peptone, bile salts, tryptone, yeast extract and ox bile used shall be of a standard equivalent to the reference standard set by the board or by recognized standard setting bodies.

### **Modified Eijkmann test for *Escherichia coli***

- (2). The modified Eijkmann test shall be carried out in the manner set out below.
  - (a) Thoroughly mix the sample of milk or cream and, if the cream is too thick for easy handling, heat it to a temperature not higher than 37°C.
  - (b) After taking all necessary precautions to prevent contamination of the sample, inoculate three tubes containing 10ml (m/v) of brilliant green bile broth and fitted with an inverted Durham fermentation tube for the detection of gas using a 1 ml pipette with the equivalent of 0,01ml in the case of raw milk intended for pasteurisation and 1ml in the case of pasteurised milk, reconstituted (prepared) milk, pasteurised cream and cultured dairy products. In the case of solid or semi-solid dairy products, inoculate tubes containing double-strength brilliant green bile broth with 10ml of a 1:10 dilution of the dairy product.
  - (c) For the measurement of the 0, 01ml quantities to be tested in the case of milk, prepare decimal dilutions in accordance with the standard plate count method described substituting 11,0ml of milk for 11,0g of milk powder or skimmed milk powder.
  - (d) Incubate the inoculated brilliant green bile broth for 48 hours in a water bath keeping the temperature of the water bath at 44°C +/- 0,15°C.
  - (e) If the incubation prescribed in subparagraph (4) leads to the formation of gas as seen in the Durham tube, transfer and inoculum of 0,2ml from each brilliant green bile broth tube in which gas has formed to a separate tube of tryptone water.

(f) Incubate the tryptone water tubes referred to in subparagraph (5) in the water bath referred to in subparagraph (4) at 44°C +/- 0,25°C for 24 +/- 2 hours.

(g) After the said 24 +/- 2 hours, test the tryptone water in the tubes for indole production by adding 0, 5ml of Kovac's reagent.

(h) The formation of a rose-coloured ring at the interface of the two liquids indicates the presence of indole.

(i) A positive result of gas and indole in any of the three tubes inoculated with the prescribed volume of the same milk shall be taken to indicate the presence of *Escherichia coli*.

(j) Prepare the (m/v) brilliant green bile broth, the tryptone water and the Kovac's reagent as follows:

(i) The composition of the brilliant green bile broth shall be as follows:

Ox bile.....	20g
Peptone.....	10g
Lactose.....	10g
1 per cent (m/v) aqueous solution of brilliant green.....	1,3ml
Distilled water.....	1l

(ii) Dissolve the constituents in the distilled water.

(iii) Adjust the pH to a value of 7, 2 to 7, 4.

(iv) Distribute the medium in 10ml quantities among test tubes containing an inverted Durham fermentation tube and then sterilize them in an autoclave at 121°C for at least 15 minutes.

(k) In order to prepare double-strength brilliant green bile broth, use half the quantity of distilled water.

(i) The composition of the tryptone water shall be as follows:

Tryptone.....	10g
Sodium chloride.....	5g
Distilled water.....	up to 1l

(ii) Dissolve the constituents in the distilled water by warming the mixture slightly.

(iii) Cool to 20-25°C and adjust the pH with sodium hydroxide solution or hydrochloric acid solution to between 7,4 and 7,5.

(iv) Dispense the medium in 5ml aliquots in test tubes. Autoclave the dispensed medium at 121°C for at least 15 minutes.

(l) Kovac's reagent

(i) The composition of the Kovac's reagent shall be as follows:

Paradimethylaminobenzaldehyde.....	5g
------------------------------------	----

Concentrated hydrochloric acid.....25ml  
 Amyl alcohol (pyridine free) .....75ml

- (ii) Dissolve paradimethylaminobenzaldehyde in the amyl alcohol and add the hydrochloric acid.
- (iii) After preparation, the reagent should be yellow in colour.
- (iv) Place the reagent in an amber-coloured glass stoppered vessel and store in a cool, dark place.
- (v) Do not use the reagent within 24 hours after preparation.

### **Aschaffenburg and Mullen phosphatase test**

- (3). The phosphatase test shall be carried out in the manner set out below.
- (a) Test each sample as soon as possible after its arrival at the laboratory.
  - (b) If the sample is not tested immediately on its arrival at the laboratory, keep it at a temperature below 5°C , but not frozen, until it is tested.
  - (c) Raise the temperature of the sample to 20-25°C immediately before it is tested.
  - (d) Take the following precautions during or in connection with the testing of a sample:
    - (i) Except in the case of cultured dairy products, do not test a sample that shows signs of spoiling or souring.
    - (ii) Use a clean pipette for each sample of milk or cream and ensure that no pipette is contaminated with saliva.
    - (iii) Do not perform the test in direct sunlight.
    - (iv) Use only distilled water throughout the test.
  - (e) Whenever practicable, use reagents of analytical quality for this test. Prepare the buffer substrate solution as follows:
    - (i) Buffer solution: Dissolve 3, 5g of anhydrous sodium carbonate and 1,5g of sodium bicarbonate in distilled water and fill up with water to 1l solution in a volumetric flask.
    - (ii) Keep the solid substrate, disodium p-nitrophenyl phosphate, in a refrigerator.
    - (iii) Buffer substrate solution:
      - Place 150mg of the substrate in a standard 100ml volumetric measuring flask and fill to the 100ml mark with the buffer solution.
      - Store the solution in a refrigerator and protect from light.
      - When distilled water is used for purposes of comparison, the solution must give a reading of less than the standard 10 on the comparator disc AP T W 5 or APTW 7 when viewed in transmitted light through a 5mm cell in the all-purpose comparator.
      - Do not use the solution for longer than one week.

(f) Use the following apparatus for the test:

- (i) A Lovibond all-purpose comparator with a stand for work in reflected light.
- (ii) A Lovibond comparator disc APT W 5 or APT W 7.
- (iii) Two fused-glass cells, 25mm deep, or test tubes of colourless glass, 13,5mm internal diameter, conforming to B. S. 625, fitted with non-p-nitrophenol-containing stoppers, for use in the Lovibond all-purpose 1000 comparator.
- (iv) A waterbath capable of being maintained at  $39^{\circ}\text{C} \pm 0,5^{\circ}\text{C}$ .
- (v) A pipette to deliver 5,0ml.
- (vi) A supply of 1, 0ml straight-sided pipettes.
- (vii) A 1l volumetric flask.
- (viii) A 100ml standard volumetric flask.

(g) After use, empty each tube, rinse it in water, wash well in hot water containing soda, rinse in hot water and then in distilled water and dry, or clean by some other equally effective method.

(h) If, after treatment in accordance with (a) of this subparagraph, a test tube does not appear to be clean, repeat the treatment but, in addition, after rinsing it in hot water, place it in hydrochloric acid and then rinse it again in hot water and then in distilled water and dry it, or clean it by some other equally effective method.

(i) Clean new glassware by dipping it in a solution of chromic acid consisting of five volumes of 8% (m/v) potassium dichromate and four volumes of concentrated sulphuric acid added slowly and carefully to the mixture of dichromate and water.

(j) Keep the solution referred to in (c) of this subparagraph covered and discard it when it turns green.

(k) After cleaning new glassware in the manner described above, rinse it in hot water, then rinse it in distilled water and dry.

(l) Pipettes should be rinsed in cold water and then cleaned by soaking for 24 hours in a solution of chromic acid in a 250ml glass cylinder or other suitable container, and thereafter well rinsed in hot water and then in distilled water and dried, or cleaned by some other equally effective method.

(m) Glassware used for the test shall not be used for any other purpose and shall be kept separate from all other apparatus in the laboratory.

(n) The test shall be carried out in the manner as set out below:

- (i) Transfer 5ml of the buffer substrate solution to a test tube using a pipette, stopper the test tube and bring the contents to a temperature of  $37^{\circ}\text{C} \pm 0,5^{\circ}\text{C}$ .
- (ii) Add 1 ml of the milk or cream to be tested, replace the stopper of the test tube and mix the contents well by shaking.
- (iii) Incubate the test tube for 2 hours  $\pm$  1 minute at  $37^{\circ}\text{C} \pm 0,5^{\circ}\text{C}$ .

- (iv) With each series of samples, incubate one control sample prepared from 5ml of buffer substrate solution and 1ml of boiled milk or cream of the same type as that undergoing the test.
- (v) After incubation, remove the test tube from the water bath and mix the contents well.
- (vi) Place the control sample on the left-hand ramp of the stand and the test sample on the right.
- (vii) Take the readings in reflected light by looking down onto the two apertures with the comparator facing a good source of daylight.
- (viii) If artificial light is needed for matching, use a daylight type of illumination.
- (ix) Revolve the disc until the colour of the test sample matches that of the control sample.
- (x) Record readings falling between two standards by affixing a plus or minus sign to the figure for the nearest standard.

### **Coliform Bacteria Test**

- (4). The coliform bacteria test for milk, reconstituted (prepared) milk, pasteurised milk, pasteurised cream and dairy products shall be carried out in the manner set out below or by using VR B MUG agar method described.
  - (a) Mix the milk, cream or dairy products thoroughly before sampling from bulk.
  - (b) Thoroughly mix samples of milk, skimmed milk, buttermilk or cream. If it is too thick for easy handling, cream may be heated to a temperature not exceeding 37°C. Prepare the 1:10 dilution (m/m) by adding 1ml of the product to 9ml of the sterile diluent (phosphate buffer or peptone saline solution) or 11ml of the product to 99ml of the diluent.
  - (c) Thoroughly mix viscous or semi-solid cultured dairy products and place 11g of the mixed product in a sterile wide-mouthed container. Add 99ml of heated (40°C) sterile 2% (m/v) sodium citrate solution and shake the mixture until homogeneous dispersion is obtained. This constitutes the 1:10 dilution (m/m) of the product. Further tenfold dilutions are prepared in the sterile diluent.
  - (d) The most probable number (MPN) of coliform bacteria shall be determined as follows:
    - (i) Inoculate three test tubes each containing 10ml of double-strength brilliant green bile broth as described in paragraph 2(11)(a)(i) to (v) and a Durham tube with 10ml of the 1:10 dilution of the product. This inoculation corresponds to 1g or 1ml of the product sample in each tube.
    - (ii) Inoculate three tubes containing 10ml single-strength brilliant green bile broth and a Durham tube with 1 ml of the 1:10 dilution of the product. This inoculation corresponds to 0, 1g or 0, 1ml of sample in each tube.

(iii) Inoculate three tubes each containing 10ml of single-strength brilliant green bile broth and a Durham tube with 1ml of the 1:100 dilution or 0,1 dilution of the product. This inoculation corresponds to 0,01g or 0,01ml of the sample in each tube.

(iv) Mix carefully, making sure that no air bubbles are shaken into the Durham tubes.

(v) After preparing the initial dilutions, proceed without delay with the preparation of further dilutions and inoculations.

(vi) Incubate the inoculated tubes for 48 +/- 2 hours at 30°C +/- 1°C.

(vii) A tube containing sufficient gas to fill the concavity of the Durham tube shall be recorded as positive. A positive result shall also be recorded if the Durham tube contains less than the said amount of gas but effervescence occurs when the side of the test tube is tapped. Record the number of positive results.

(viii) In the case of fruit yoghurt and other products containing a fermentable substance other than lactose, confirm the presence of lactose fermenters by transferring one loop full of the contents of each tube showing gas production to fresh tubes of single-strength brilliant green bile broth, incubating these tubes for 48 +/- 2 hours at 30°C +/- 1°C and examining them for gas production.

(ix) The number of positive tubes (after confirmation, in the case of products containing fermentable substances other than lactose) for each dilution is used for determining the MPN of coliform bacteria per 1,0g or 1,0ml of the product in accordance with the following table:

Number of positive			MPN of coliform in	Number of positive tubes			MPN of coliforms
1,0g or 1,0ml	0,1g or 0,1ml	0,01g or 0,01ml		1,0g or 1,0ml	0,1g or 0,1ml	0,01g or 0,01ml	
0	0	0	0,0	2	2	2	3,5
0	0	1	0,3	2	2	3	4,0
0	1	0	0,3	2	3	0	3,0
0	1	1	0,6	2	3	1	3,5
0	2	0	0,6	2	3	2	4,0
1	0	0	0,4	3	0	0	2,5
1	0	1	0,7	3	0	1	4,0

1	0	2	1,1	3	0	2	6,5
1	1	0	0,7	3	1	0	4,5
1	1	1	1,1	3	1	1	7,5
1	2	0	1,1	3	1	2	11,4
1	2	1	1,5	3	1	3	16,0
1	3	0	1,6	3	2	0	9,5
2	0	0	0,9	3	2	1	15,0
2	0	1	1,4	3	2	2	20,0
2	0	2	2,0	3	2	3	30,0
2	1	0	1,5	3	3	0	25,0
2	1	1	2,0	3	3	1	45,0
2	1	2	3,0	3	3	2	110,0
2	2	0	2,0	3	3	3	110,0
2	2	1	3,0	3	3	3	100,0

(e) Cultured products with developed acidity shall be tested within 48 hours of their manufacture.

#### **Violet red bile (MUG) agar method for coliforms and *Escherichia coli***

(5). The coliform organism test and the test for *Escherichia coli* in milk, reconstituted (prepared) milk, pasteurised milk, pasteurised cream and dairy products shall be carried out in the manner set out below.

(a) Prepare the samples as follows:

(i) Thoroughly mix samples of milk, skimmed milk, buttermilk or cream. If it is too thick for easy handling, cream may be heated to a temperature not exceeding 37°C. Prepare the 1:10 dilution (m/m) by adding 1ml of the product to 9ml of sterile diluent or 11ml of the product to 99ml of diluent.

(ii) Thoroughly mix viscous or semi-solid cultured dairy products and place 11g of the product in a sterile wide-mouthed container. Then add 99ml of heated (40°C ) sterile 2% (m/v) sodium citrate solution and shake the mixture until homogeneous dispersion has been obtained. This constitutes the 1:10 dilution of the product. Prepare further tenfold dilution in the sterile diluent.

(b) The violet red bile agar is prepared as follows:

	g/l
Brain heart infusion.....	7,0
Peptone.....	4,0
Lactose.....	9,0
Bile salts No. 3.....	1,5
Neutral red.....	0,03
Crystal violet.....	0,002
MUG (4-methylumbelliferyl B-D-glucuronide) .....	0,1
Sodium chloride.....	4,5
Disodium phosphate.....	1,0
Agar.....	13,0*

\* when testing for *Escherichia coli*, add the MUG reagent, if not already included in the media, according to the manufacturer's instructions

**Note:** (i) The preparation of the samples should not be carried out in direct sunlight; and  
(ii) normal aseptic precautions should be taken when necessary.

(c) The test shall be conducted as follows:

(i) Prepare dilutions so as to obtain plates with colony counts of more than 10, if possible, and fewer than 150. In the case of milk and liquid dairy products, make sure that the micro-organisms in the test sample are distributed as evenly as possible by inverting the sample container 25 times. If foam is formed, it should be allowed to disperse. The interval between mixing and removing the test portion should not be longer than three minutes. Remove 1ml of the test sample with a sterile pipette and add to 9ml of the diluent (or 10ml of the test sample to 90ml of the diluent or 11ml of the test sample to 99ml of the diluent). Shake this primary dilution thoroughly. In this way, a 10<sup>-1</sup> dilution is obtained.

(ii) Now prepare further dilutions by transferring, using a sterile pipette, 1ml of the primary dilution to another test tube containing 9ml of sterile diluent, avoiding contact between the pipette and the diluent. A fresh pipette should be used for each dilution.

Alternatively, transfer 10ml of the primary dilution to a bottle containing 90ml of the sterile diluent, or 11ml of the primary dilution to 99ml of the sterile diluent.

Mix thoroughly either by aspirating 10 times with a fresh pipette or by mixing mechanically for 5 to 10 seconds to obtain the 10<sup>-2</sup> dilution. The frequency of rotation in the case of mechanical mixing shall be such that the liquid moves two or three centimeters up the side of the vessel while being mixed. If necessary, repeat this procedure, using the 10<sup>-2</sup> and further dilutions to obtain 10<sup>-3</sup>, 10<sup>-4</sup>, etcetera, dilutions until the appropriate number of micro-organisms has been obtained.

**Note:** The time lapse between the initial measurement of the test portion, the preparation of the primary dilution and the mixing of the dilutions and mediums shall not be longer than 15 minutes.

(iii) Use a pipette to transfer 1ml of the liquid product or the appropriate dilutions to the center of two petri dishes. Touch a dry area in the petri dish with the tip of the pipette. Use a fresh pipette to inoculate each dilution.

(iv) Pour about 15ml of the VR B MUG agar at 45°C +/- 1°C into each petri dish. Mix immediately after pouring by rotating the petri dish sufficiently to obtain evenly dispersed colonies after incubation. Allow to solidify on a cool horizontal surface. After complete solidification, pour about 4ml of the VRB agar at 45°C +/- 1°C onto the surface of the inoculated medium and allow to solidify. Prepare a control dish with 15ml of the medium to check its sterility.

**Note:** In order to ensure that the temperature of the medium is 45°C +/- 1°C before pouring, place a thermometer into a 1,5% agar solution portion in a separate container identical to that used for the medium. This control portion should be exposed to the same heating and cooling as the medium.

(v) Incubate the plates in an adverted position. Do not stack them more than six high. Stack of plates should be separated from one another and from the sides and top of the incubator. Incubate 30°C +/- 1°C for 24 hours +/- 2 hours.

(vi) Examine the plates under a 366 nm ultra violet light. All colonies showing a blue fluorescence in the surrounding medium are counted. Then examine the plates under normal light and count the coliform organisms. Select the plates with more than 10 and fewer than 150 colonies. Count the dark red-coloured colonies with a diameter of at least 0,5mm, characteristic of coliform organisms. These dark pink to red colonies are usually surrounded by a red zone in the medium. Confirm the count by following the procedure described in subparagraph (g). Calculate the number of coliform organisms per gram or per milliliter, taking into account the result of the confirmatory test. Five or more fluorescent colonies are regarded as positive for *Escherichia coli*.

(vii) The confirmatory test is done by inoculating five colonies of each type, if available, into tubes of brilliant green lactose bile broth containing a Durham tube and incubating at 30°C +/- 1°C for 24 hours +/- 2 hours. Consider colonies that show gas formation in the Durham tube to be coliform organisms.

### The clot-on-boiling test

- (6). (a) Thoroughly mix the milk before sampling.  
 (b) Pour 5ml of milk into a test tube.  
 (c) Place the tube in boiling water.  
 (d) Ensure that the level of the boiling water is higher than the milk level.  
 (e) Stand the test tube of milk in the boiling water for five minutes.  
 (f) Remove the test tube from the water and tilt the tube almost horizontally without shaking the milk inside.  
 (g) Wait until a thin film is formed on the milk.  
 (h) The result is positive if all the milk clots or if floccules are seen to be adhering to the sides of the tube when it is returned to the vertical position.

**Note:** Colostrum in milk will result in a positive clot-on-boiling test result. The heat stability of the milk is also affected by other factors.

### Standard plate count

- (7). (a) Mix raw milk or pasteurised milk thoroughly immediately before sampling from bulk:
- (i) The 1:10 dilution (m/m) of raw or pasteurised milk
  - (ii) In the case of milk powder and skimmed milk powder the 1:10 dilution (m/m) shall be prepared as follows:  
 Place 99ml of sterile diluent\* into a sterile wide-mouthed container equipped with a rubber stopper or a screw top and heat it to 47°C +/- 2°C by placing it in a water bath at this temperature. Weigh 11g of the powder into a sterile aluminium weighing boat or glass container equipped with a rubber stopper or a screw top and heat it to 47°C +/- 2°C by placing it in a water bath at this temperature.  
 Quickly add the powder to the warm diluent and turn the diluent bottle slowly in order to wet the powder. Then shake the bottle 25 times using up and down movements of 300mm. Replace the bottle in the water bath for an additional five minutes and shake it at intervals. In order to facilitate the reconstitution of the powder, a few grams of sterile glass beads may be added to the diluent. Prepare additional tenfold dilutions in sterile diluent (at room temperature) as required.
- (b) Using a fresh pipette, transfer 1ml of each of the dilutions at least in duplicate to sterile petri dishes, beginning with the highest concentration and ending with the lowest.
- (c) To each dish add 10ml of the standard plate count agar\*\* which has been melted beforehand and cooled to 45°C +/- 1°C.

(d) Mix the contents of each dish thoroughly using horizontal rotational movement while the medium is still fluid.

(e) Once the medium has set, invert the dishes and incubate at 30°C +/- 1°C for 72+/-2 hours.

(f) At the end of the incubation period remove the dishes from the incubator and count the colony-forming units (C F U) with the aid of magnification under uniform artificial illumination.

(g) To count the C F Us of each dish, spreader-free dishes containing 30 – 300 CFUs are selected; count all the C F Us and calculate the number of CFUs per ml or per gram.

(h) If the number of C F Us of each dish exceeds 300, count the CFUs in portions of the dish representative of the C F U distribution and use this count to determine the total number per dish. Proceed as in (7) above, but record as an “estimated” plate count.

**\* Diluents:**

***Phosphate buffer solution:***

Potassium dihydrogen orthophosphate.....5,08g

Disodium hydrogen orthophosphate.....13,63g

In 2l distilled water

OR

***Peptone saline solution***

Peptone.....1,0g

Sodium chloride.....8,5g

In 1l distilled water

Dissolve the components in the water, heating if necessary. Adjust the pH so that, after sterilisation, it is 7,0+/-0,1 at 25°C.

**\*\* Plate count agar**

Tryptone (pancreatic digestive product of casein).....5g

Yeast extract.....2,5g

Glucose.....1g

Agar (bacterial grade).....15g

Distilled water.....1l

Final pH of sterilized medium.....7,0+/-0,1

Sterilise for at least 15 minutes at 121°C.

**Titrate acidity**

- (8). (a) Pipette 9ml of milk into a white dish.
- (b) Add either 10 drops or 0, 5 ml of a 1, 6% phenolphthalein indicator solution in 50% ethanol to the milk.
- (c) Titrate with 0, 1N NaOH solution until the first tinge of pink appears, that persists for 30 seconds.
- (d) To express the titratable acidity of the milk as the percentage of lactic acid, divide by 10 the number of milliliters of 0, 1 NaOH used in the test.

### **Stability test with ethanol**

- (8). Mix one volume of 68% (v/v) aqueous ethanol with one volume of milk or cream. If there are no signs of coagulation, the milk or cream shall be deemed to have passed the ethanol stability test.

### **Dry rehydrated film method for standard colony count**

- (10). (a) Mix milk or cream thoroughly before sampling from bulk.
- (b) Prepare a 1:10 dilution by adding 1ml to 9ml of sterile phosphate buffer. Mix well.  
Prepare a 1:100 dilution by adding 1ml of the 1:10 dilution to 9ml of sterile phosphate buffer. Mix well. Prepare a 1:1 000 dilution by adding 1ml of the 1:100 dilution to 9ml of sterile phosphate buffer. The final pH should be between 6, 6 and 7, 4.
- (c) Place the films for aerobic bacterial counting on a flat surface and label them. Lift the top film and carefully transfer 1ml of the 1:1 000 dilution to the center of the bottom film by holding the pipette perpendicular to the film. Release the top film to drop onto the sample. Repeat the process with the 1:100 dilution of the sample.
- (d) Distribute the sample evenly on the film by applying gentle downward pressure with a spreader. Remove the spreader and leave the film undisturbed for one minute to solidify.
- (e) Stack the films in piles of not more than 20 and incubate the films, with the clear sides up, at 32°C +/- 1°C for 48+ /-2 hours.
- (f) Remove the films from the incubator at the end of the incubation period and count the colony forming units (C F Us) with the aid of magnification under uniform artificial illumination as follows:
- (i) All the red colonies, regardless of their size and intensity, should be counted. Films with 25-250 C F Us should be counted. Calculate the number of viable bacteria per milliliter of milk.



(i) Blue colonies associated with gas are *Escherichia coli* and red colonies associated with gas are coliform colonies. Colonies that are not associated with gas are not counted as coliform colonies. All the red and blue colonies with gas represent the coliform colony count.

(ii) Films with 15 - 150 colonies should be counted. An estimated count can be made on films where the colonies exceed 150 by counting at least 4 squares or 20 per cent of the growth area. Calculate the number of viable coliform colonies per milliliter of milk and report it as an “estimated” coliform colony count.

(iii) The presence of very high concentrations of colonies causes the entire growth area of the film to become purple blue (*Escherichia coli*) or reddish (coliforms) and/or many small colonies and/or small gas bubbles to be present. This must be recorded as too numerous to count (T NT C).

**Dry rehydrated film for coliform and *Escherichia coli* counts**

	% of solid on plate
Violet red bile nutrients.....	1-5%
Cold water soluble gel.....	1-10%
Tetrazolium indicator dye.....	<1%
Glucuronidase indicator.....	<1%

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**Pasteurisation**

(1). The pasteurization of milk shall be performed -

(a) by heating every particle of the milk to as temperature of at least 63°C (not exceeding 65,5°C ) and keeping it at that temperature for at least 30 minutes, which heating shall be followed by cooling within 30 minutes to a temperature lower than 5°C (this process is referred to as the “ holder method” or the “ batch method”); or

(b) by heating every particle of the milk to a temperature of at least 72°C and keeping it at that temperature for at least 15 seconds, which heating shall be followed immediately by cooling to a temperature lower than 5°C (this process is hereinafter referred to as the “high-temperature short-time method”); or

(c) by any other method prescribed by the board:

Provided that milk shall in no instance be deemed to have been pasteurized if it fails to pass the Aschaffenburg and Mullen phosphate test or any other test, provided the accuracy thereof equals that of the Aschaffenburg and Mullen phosphatase test.

(d). Cream and milk or dairy products containing added sweeteners shall be pasteurized as follows:

- (i) by heating every particle of the product to a temperature of at least 66°C and keeping it at this temperature for at least 30 minutes; or
- (ii) by heating every particle of the product to a temperature of at least 74°C and keeping it at this temperature for at least 15 seconds; or
- (iii) by any other method prescribed by the board:

Provided that such product shall in no instance be deemed to have been pasteurised if it fails to pass the Aschaffenburg and Mullen phosphatase test or any other test, provided the accuracy thereof equals that of the Aschaffenburg and Mullen phosphatase test.

(c). The process of pasteurization, if carried out according to the high-temperature short-time method, shall be mechanically controlled with regard to the temperature range of the milk and the period for which milk is kept at the prescribed temperature, and the apparatus concerned shall be calibrated monthly to ensure the correctness of the pasteurization process.

(d) . Thermographic recording of temperatures of pasteurization by any method shall be made and retained for at least four weeks.

## ***Schedule 14***

### ***Codex Alimentarius Dairy and Dairy Related Standards***

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This section refers to *Codex Alimentarius* reference codes for some of the dairy and dairy related products, quality control and assurance practices

1. General Standard for Cheese - CODEX STAN 283-1978
2. Standard for Mozzarella - CODEX STAN 262-2006
3. Standard for Cheddar - CODEX STAN 263-1966
4. Standard for Danbo - CODEX STAN 264-1966
5. Standard for Edam - CODEX STAN 265-1966
6. Standard for Gouda - CODEX STAN 266-1966
7. Standard for Havarti - CODEX STAN 267-1966
8. Standard for Samsø - CODEX STAN 268-1966
9. Standard for Emmental - CODEX STAN 269-1967
10. Standard for Tilsiter - CODEX STAN 270-1968
11. Standard for Saint-Paulin- CODEX STAN 271-1968
12. Standard for Provolone - CODEX STAN 272-1968
13. Standard for Cottage Cheese - CODEX STAN 273-1968
14. Standard for Coulommiers - CODEX STAN 274-1969
15. Standard for Cream Cheese - CODEX STAN 275-1973

16. Standard for Camembert - CODEX STAN 276-1973
17. Standard for Brie - CODEX STAN 277-1973
18. Standard for Extra Hard Grating Cheese - CODEX STAN 278-1978
19. Group Standard for Cheeses in Brine - CODEX STAN 208-1999
20. Group Standard for Unripened Cheese including Fresh Cheese - CODEX STAN 221-2001
21. Standard for Whey Cheeses - CODEX STAN 284-1971
22. Standard for Milk Powders and Cream Powder - CODEX STAN 207-1999
23. Standard for Fermented Milks - CODEX STAN 243-2003
24. Standard for Milkfat Products - CODEX STAN 280-1973
25. Standard for Evaporated Milks - CODEX STAN 281-1971
26. Standard for a Blend of Evaporated Skimmed Milk and Vegetable Fat - CODEX STAN 250-2006
27. Standard for Sweetened Condensed Milks - CODEX STAN 282-1971
28. Standard for Cream and Prepared Creams - CODEX STAN 288-1976
29. Standard for a Blend of Skimmed Milk and Vegetable Fat in Powdered Form - CODEX STAN 251-2006
30. Standard for a Blend of Sweetened Condensed Skimmed Milk and Vegetable Fat - CODEX STAN 252-2006
31. Standard for Butter - CODEX STAN 279-1971
32. Standard for Dairy Fat Spreads - CODEX STAN 253-2006
33. Standard for Fat Spreads and Blended Spreads - CODEX STAN 256-2007
34. Standard for Whey Powders - CODEX STAN 289-1995
35. Standard for Edible Casein Products - CODEX STAN 290-1995
36. Standard for Dairy Permeate Powders - CODEX STAN 331-2017
37. Standard for Chocolate and Chocolate Products - CODEX STAN 87-1981
38. General Standard for Vegetable Protein Products (VPP) - CODEX STAN 174-1989
39. Standard for Soy Protein Products - CODEX STAN 175-1989
40. Standard for Aqueous Coconut Products - Coconut Milk and Coconut Cream - CODEX STAN 240-2003
41. Standard for Honey - CODEX STAN 12-1981
42. Standard for Edible Fats and Oils not Covered by Individual Standards - CODEX STAN 19-1981
43. Standard for Named Vegetable Oils - CODEX STAN 210-1999
44. Standard for Named Animal Fats - CODEX STAN 211-1999
45. Standard for Sugars - CODEX STAN 212-1999
46. Standard for Follow-up formula - CODEX STAN 156-1987
47. General Standard for Fruit Juices and Nectars - CODEX STAN 247-2005
48. Standard for Edible Fungi and Fungus Products - CODEX STAN 38-1981
49. Standard for Formula Foods for Use in Weight Control Diets - CODEX STAN 181-1991

- 50.** Standard for Formula Foods for Use in Very Low Energy Diets for Weight Reduction - CODEX STAN 203-1995
- 51.** Standard for Infant Formula and Formulas for Special Medical Purposes Intended for Infants - CODEX STAN 72-1981
- 52.** Standard for Foods for Special Dietary Use for Persons Intolerant to Gluten - CODEX STAN 118-1979
- 53.** Standard for Processed Cereal-Based Foods for Infants and Young Children - CODEX STAN 74-1981
- 54.** General Standard for the Labelling of Pre-packaged Foods - CODEX STAN 1-1985
- 55.** General Standard for the Labelling of Food Additives when sold as such - CODEX STAN 107-1981
- 56.** General Standard for the Labelling of and Claims for Pre-packaged Foods for Special Dietary Uses - CODEX STAN 146-1985
- 57.** Standard for Labelling of and Claims for Foods for Special Medical Purposes - CODEX STAN 180-1991
- 58.** General Standard for the Use of Dairy Terms - CODEX STAN 206-1999
- 59.** General Standard for Food Additives - CODEX STAN 192-1995
- 60.** General Standard for Contaminants and Toxins in Food and Feed - CODEX STAN 193-1995
- 61.** General Methods of Analysis for Contaminants - CODEX STAN 228-2001
- 62.** General Standard for Irradiated Foods - CODEX STAN 106-1983
- 63.** General Methods for the Detection of Irradiated Foods - CODEX STAN 231-2001
- 64.** General Methods of Analysis for Food Additives - CODEX STAN 239-2003
- 65.** Recommended Methods of Analysis and Sampling - CODEX STAN 234-1999