

No. R. 493

8 May 2009

AGRICULTURAL PRODUCT STANDARDS ACT, 1990
(ACT No. 119 OF 1990)

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

The Minister of Agriculture has, under section 15 of the Agricultural Product Standards Act, 1990 (Act No. 119 of 1990) –

- (a) made the regulations in the Schedule; and
- (b) determined that the said regulations shall come into operation on the date of publication thereof.

SCHEDULE

Definitions

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

"bag" means a bag manufactured from –

- (a) jute or phormium or a mixture of jute and phormium; or
- (b) polypropylene that complies with SABS specification CKS632;

"bulk container" means any vehicle or container in which bulk sunflower seed is transported or stored;

"consignment" means –

- (a) a quantity of sunflower seeds of the same class, which belongs to the same owner, delivered at any one time under cover of the same consignment note, delivery note or receipt note, or delivered by the same vehicle or bulk container, or loaded from the same bin of a grain elevator or from a ship's hold; or
- (b) in the case where a quantity referred to in paragraph (a), is subdivided into a grade, each such quantity of such grade;

"container" means a bag or a bulk container;

"cultivar list" means the list of cultivars determined from time to time by the Executive Officer: Agricultural Product Standards and which is obtainable from the Executive Officer: Agricultural Product Standards, Private Bag X258, Pretoria, 0001;

"damaged sunflower seed" means sunflower seeds or portions thereof of which the nucleus is visibly discoloured as a result of external heat or heating due to internal fermentation;

"foreign matter" means –

- (a) loose and empty shells above the sieve that occur in the consignment concerned;
- (b) all matter other than glass, dung, coal, stones, metal, screenings, sclerotinia, sunflower seed and the nucleus of sunflower seed that occur in the consignment concerned;

"insect" means any live insect that is injurious to stored sunflower seed irrespective of the stage of development of the insect;

"poisonous seeds" means seeds or part of seeds of plant species that may in terms of the Foodstuffs, Cosmetics and Disinfectants Act, 1972 (Act No. 54 of 1972), represent a hazard to human or animal health when consumed, including seeds of *Argemone mexicana* L., *Convolvulus* spp., *Crotalaria* spp., *Datura* spp., *Ipomoea* spp., *Lolium temulentum*, *Ricinus communis* or *Xanthium* spp.;

"sclerotinia" *Sclerotinia sclerotiorum* is a fungus that produces hard masses of fungi tissue and is also known as sclerotinia. The sclerotinia varies in size and form and consists of a dark black exterior, a white interior and a rough surface texture;

"screenings" means all material that passes through the standard sieve;

"standard sieve" is a slotted sieve –

- (a) with a flat bottom of metal sheet of 1,0 mm thickness with apertures 12,7 mm long and 1,8 mm wide with rounded ends ($\pm 0,03$ mm). The spacing between the slots in the same row must be 2,43 mm wide and the spacing between the rows of slots must be 2,0 mm wide. The slots must be alternately oriented with a slot always opposite the solid inter segment of the next row of slots;
- (b) of which the upper surface of the sieve is smooth;
- (c) with a round frame of suitable material with an inner diameter of at least 300 mm and at least 50 mm high;
- (d) that fits onto a tray with a solid bottom and must be at least 20 mm above bottom of the tray;

"sunflower seed" means the achene of plants of *Helianthus annuus* (L); and

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

Restriction on sale of sunflower seed

2. (1) No person shall sell sunflower seed in the Republic of South Africa –
 - (a) unless the sunflower seed is sold according to the classes set out in regulation 3
 - (b) unless the sunflower seed comply with the standards for the classes concerned set out in regulation 4;
 - (c) unless the sunflower seed, where applicable, comply with the grades of sunflower seed and the standards for grades set out in regulation 5 and 6 respectively;
 - (d) unless the sunflower seed is packed in accordance with the packing requirements set out in regulation 7;
 - (e) unless the container or sale documents, as the case may be, are marked in accordance with the marking requirements set out in regulation 8; and
 - (f) if such sunflower seed contains a substances that renders it unfit for human or animal consumption or for processing into or utilisation thereof as food or feed.

(2) The Executive Officer may grant written exemption, entirely or partially, to any person on such conditions as he or she may deem necessary, from the provisions of sub regulation (1). Provided that such exemption is done in terms of section 3(1)(c) of the Act.

**PART I
QUALITY STANDARDS**

Classes of sunflower seed

3. Sunflower seed shall be classified as --
- (a) Class FH;
 - (b) Class FS; and
 - (c) Class Other Sunflower Seed.

Standards for classes of sunflower seed

4. (1) A consignment of sunflower seed shall --
- (a) be free from a musty, sour, khaki bush or other undesired odour;
 - (b) be free from any substance that renders it unsuitable for human or animal consumption or for processing into or utilisation as food or feed;
 - (c) contain not more poisonous seeds than permitted in terms of the Foodstuffs, Cosmetics and Disinfectants Act, 1972 (Act No. 54 of 1972);
 - (d) shall be free from glass, metal, coal or dung;
 - (e) with the exception of Class Other sunflower seed, be free from insects; and
 - (f) with the exception of Class Other sunflower seed, have a moisture content of not more than 10 per cent.
- (2) A consignment of sunflower seed shall be classified as --
- (a) Class FH if it --
 - (i) consists of at least 80 percent (m/m) sunflower seeds of a cultivar with a high oil content as specified in the cultivar list; and
 - (ii) Complies with the standard for Grade 1 set out in regulation 6.
 - (b) Class FS if it --
 - (i) consists of at least 80 percent (m/m) sunflower seeds of a cultivar with a low oil content as specified in the cultivar list; and
 - (ii) Complies with the standards for Grade 1 set out in regulation 6.
 - (c) Class Other Sunflower Seed if it does not comply with the requirements for Class FH or Class FS.

Grades for sunflower seed

5. (1) There is only one grade for the Classes FH and FS Sunflower Seeds, namely Grade 1.
- (2) No grades are determined for Class Other sunflower seed.

Standards for grades of sunflower seed

6. A consignment of Grade 1 sunflower seed shall be graded as:
- (a) Grade 1 if the nature of the deviation, specified in column 1 of Table 1 of the Annexure, in that consignment does not exceed the percentage specified in column 2 of the said table opposite the deviation concerned.

**PART II
PACKING AND MARKING REQUIREMENTS****Packing requirements**

7. Sunflower seed of different classes and grades shall be packed in different containers or stored separately.

Marking requirements

8. Every container or the accompanying sale documents of a sunflower seed shall be marked or endorsed with the class and, where applicable, the grade of the sunflower seed.

**PART III
SAMPLING****Obtaining a sample**

9. (1) A representative sample of a consignment of sunflower seed shall --
- (a) in the case of sunflower seed delivered in bags and subject to regulation 10, be obtained by sampling at least 10 per cent of the bags, chosen from that consignment at random, with a bag probe: Provided that at least 25 bags in a consignment shall be sampled and where a consignment consists of less than 25 bags, all the bags in that consignment shall be sampled; and
- (b) in the case of sunflower seed delivered in bulk and subject to regulation 10, be obtained by sampling that consignment throughout the whole depth of the layer, in at least six different places, chosen at random in that bulk quantity, with a bulk sampling apparatus.
- (2) The collective sample obtained in sub regulation (1)(a) or (b) shall --
- (a) have a total mass of at least 5 kg; and
- (b) be thoroughly mixed by means of dividing before further examination.
- (3) If it is suspected that that sample referred to in subregulation (1)(a) is not representative of that consignment, an additional five per cent of the remaining bags, chosen from that consignment at random, shall be emptied into a suitable bulk container and sampled in the manner contemplated in subregulation (1)(b).
- (4) A sample taken in terms of these regulations shall be deemed to be representative of the consignment from which it was taken.

Sampling if contents differ

10. (1) If, after an examination of the sunflower seed taken from different bags in a consignment in terms of regulation 9(1), it appears that the contents of those bags differ substantially --

- (a) the bags concerned shall be separated from each other;
- (b) all the bags in the consignment concerned shall be sampled in order to do such separation; and
- (c) each group of bags with similar contents in that consignment shall for the purpose of these regulations be deemed to be separate consignment.

(2) If, after the discharge of a consignment of sunflower seed in bulk has commenced, it is suspected that the consignment could be of a class or grade other than that determined by means of the initial sampling, the discharge shall immediately be stopped and that part of the consignment remaining in the bulk container, as well as the sunflower seed that is already in the collecting tray, shall be sampled anew with a bulk sampling apparatus or by catching at least 20 samples at regular intervals throughout the whole off loading period with a suitable container from the stream of sunflower seed that is flowing in bulk.

Working sample

11. (1) A working sample of sunflower seed shall be obtained by dividing the representative sample of the consignment according to the ICC 101/1 method.

PART IV INSPECTION METHODS

Determination of undesired smell, harmful substances, poisonous seeds, stones, glass, metal, coal, dung, and insect content

12. A consignment or a sample of a consignment shall be assessed sensorially or chemically analysed in order to determine --

- (a) whether it has a musty, sour, khaki bush or other undesired smell;
- (b) whether it contains sunflower seed in or on which a substance occurs that renders it unsuitable for human or animal consumption or for processing into or utilization thereof as food or feed;
- (c) whether it contains poisonous seeds;
- (d) whether it contains stones, glass, metal, coal or dung; and
- (e) whether it contains any insects.

Determination of moisture content

13. The moisture content of a consignment of sunflower seed may be determined according to any suitable method: Provided that the result thus obtained is in accordance with the maximum permissible deviation for a class 1 moisture meter as detailed in ISO 7700/2, based upon results of the 72 hour, 103°C oven dried method [AACC Method 44-15A].

Determination of percentage screenings

14. The percentage screenings in a consignment of sunflower seed is determined as follows:

- (a) Obtain a working sample of at least 50 g from a representative sample of the consignment.

- (b) Place the sample on the standard sieve and screen the sample by moving the sieve 50 strokes to and fro, alternately away from and towards the operator of the sieve, in the same direction as the long axes of the slots of the sieve. Move the sieve, which rests on a table or other suitable smooth surface, 250 mm to 460 mm away from and towards the operator with each stroke. The prescribed 50 strokes must be completed within 50 to 60 seconds: Provided that the screening process may also be performed in some or other container or an automatic sieving apparatus.
- (c) Determine the mass of the material that has passed through the sieve and express it as percentage of the mass of the working sample.
- (d) Such percentage represents the percentage screenings in the consignment.

Determination of percentage foreign matter

15. The percentage foreign matter in a consignment sunflower seed shall be determined as follows:
- (a) Obtain a working sample of at least 20 g of a screened sample.
 - (b) Remove all foreign matter by hand and determine the mass thereof.
 - (c) Express the mass thus determined as a percentage of the mass of the working sample.
 - (d) Such a percentage represents the percentage foreign matter in the consignment.

Determination of percentage sunflower seed of another class

16. The percentage sunflower seed of another class in a consignment sunflower seed shall be determined as follows:
- (a) Remove all sunflower seeds of another class from the working sample in 15(a) obtained by hand and determine the mass thereof.
 - (b) Express the mass thus determined as a percentage of the working sample in 15(a) obtained.
 - (c) Such percentage represents the percentage sunflower seed of another class in the consignment.

Determination of the percentage damaged sunflower seed

17. The percentage damaged sunflower seed in a consignment sunflower seed shall be determined as follows:
- (a) Shell the seeds in the working sample in 15(a) obtained by hand or with a machine so that the nucleus portions thereof are retained.
 - (b) Remove all damaged sunflower seeds from the quantity thus shelled and determine the mass thereof.
 - (c) Express the mass thus determined as a percentage of the working sample in 15(a) obtained.
 - (d) Such a percentage represents the percentage damaged sunflower seed in the consignment.

Determination of percentage sclerotinia

18. The percentage sclerotinia in a consignment of sunflower seed shall be determined as follows:

- (a) Remove all sclerotinia in the working sample in 15(a) obtained by hand and determine the mass thereof.
- (b) Express the mass thus determined as a percentage of the working sample in 15(a) obtained.
- (c) Such a percentage represents the percentage sclerotinia in the consignment.

**PART IV
OFFENCE AND PENALTIES**

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

ANNEXURE/AANHANGSEL

TABLE1/TABEL1

STANDARDS FOR GRADES OF SUNFLOWER SEED/
STANDAARDE VIR GRADE VAN SONNEBLOMSAAD

Deviation/Afwyking	Maximum permissible deviation/ Maksimum toelaatbare afwyking	
	Class/Klas FH	Class/Klas FS
	Grade1/Grade1	
1. Damaged sunflower seed/Beskadigde sonneblomsaad	10%	
2. Screenings/Sifsel	4%	
3. Sclerotinia	4%	
4. Foreign Matter/Vreemde voorwerpe	4%	
5. Deviation in 2,3 and 4 collectively: Provided that such deviations are individually within the limits of said items/Afwykinge in 2, 3 en 4 gesamentlik: Met dien verstande dat sodanige afwykinge individueel binne die perke van genoemde items is	6%	



agriculture

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REPUBLIC OF SOUTH AFRICA

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SERIAL NO:
DATE: 03 September 2009

Subject

INDUSTRY-WIDE DISPENSATION: AMENDMENT OF REGULATIONS RELATING TO THE GRADING, PACKING AND MARKING OF SUNFLOWER INTENDED FOR SALE IN THE REPUBLIC OF SOUTH AFRICA.

Please refer to your e-mail dated 28th August 2009

Permission is hereby granted by the Executive Officer: Agricultural Product Standards in terms of Section (3) of the Agricultural Product Standard Act, 1990 (Act No. 119 of 1990) to all producers, wholesalers, traders, retailers and importers of Sunflower, to sell and import Sunflower whereby regulation 4 (1) (d) is amended and replaced by the following:

"4 (1) (d). shall be free from glass, metal, coal, stones or dung".

This permission is subject to the following conditions:

- (a) All other conditions of the Regulations shall be complied with.
- (b) It may be withdrawn at any time should a valid complaint be received.
- (c) All producers, wholesalers, traders, retailers and importers of Sunflower indemnify this Directorate and the Department of any detrimental effect, financially or otherwise as a result of this permission.
- (d) Termination date: **Until the Regulation is reviewed.**


EXECUTIVE OFFICER:
AGRICULTURAL PRODUCT STANDARDS ACT

Copies: Assistant Director: Quality Auditing North and South