



Bottled water gets the nod

by Karien Slabbert

New regulations concerning the processing and labelling of bottled water, were recently introduced in South Africa. Since the regulations came into effect on 28 July 2007, all enterprises producing bottled water for sale to the public are officially regulated and monitored by the Department of Health.

Welcoming the regulations to govern the bottled water industry, trademark attorney Marilyn Krige, partner at Adams and Adams, notes that the industry should state clearly what it is offering.

"Despite the fact that water in most places in South Africa is good enough to drink, the bottled water industry continues to thrive. In an industry with such huge growth, consumers have the right to know what they are buying – and swallowing. This is where the new regulations come into play," notes Krige.

Prior to this milestone, bottled water in South Africa was regulated according to the general safety and quality criteria governing the production of food. Following representation and recommendations from the South African Natural Bottled Water Association (Sanbwa) and in line with international trends, the Department of Health drew up new legislation specific to the bottled water industry based on the *Codex Alimentarius*.

In line with world trends

The *Codex Alimentarius* was created in 1963 by the Food and Agricultural Organisation of the United Nations and the World Health Organisation. It endeavoured to develop food standards and production guidelines aimed at protecting the health of consumers, ensuring fair trade practices in the food sector, and promoting coordination of all food standards work undertaken by international governmental and non-governmental organisations.

South Africa's new bottled water legislation stipulates what sources of water are acceptable, what types of treatment are required, the maximum levels of certain substances, and what

information bottlers must display on their labels.

Furthermore, suppliers are required to attach labelling, indicating the nature of the water, whether it is naturally carbonated, non-carbonated with added carbon dioxide from source or de-carbonated. "In addition, one can also add whether the product is still or sparkling," Krige says.

The regulations also stipulate that water may only be treated to eliminate unstable constituents such as iron, magnesium, sulphur or excess carbonates. Carbon dioxide may be added or re-incorporated if necessary. Oxygen in the form of air or ozone may also be added and the water may be treated to conserve its micro biological fitness for human consumption.

Requirements have been set for the maximum levels of certain trace elements and minerals which may be present in water. Apart from the usual ones that should not be in drinking water, it should not contain more than 0,05 mg/litre chromium or 0,05 mg/litre copper.

The labelling must also state the constituents and chemical characteristics of calcium, magnesium, sodium, potassium, chloride, sulphate, alkalinity, nitrate and fluoride. In addition, the total dissolved solids and pH should be declared.

"Claims relating to any medicinal effect, either preventative or curative, are not allowed. Statements or pictorial devices about the nature, origin, composition or properties of bottled water that may create confusion are also forbidden. For example, the addition of the Heart Foundation logo in terms of these regulations is prohibited.

As per the *Codex* standards, South Africa's new bottled water legislation defines three classes of water that, if correctly bottled, will be safe, healthy and pleasant tasting for the public. These include:

Natural water

The first class of bottled water is sourced from an underground aquifer and bottled at source. The emphasis here is on "natural" and no treatment of the water is allowed. The composition of the bottled water is therefore identical to that of the

source water. Natural mineral water and natural spring water fall into this class.

Waters defined by origin

The second class includes rain, glacier, mist, and spring water. As a general rule these “waters defined by origin” require antimicrobial treatments. However, no treatments are allowed that would alter the chemical composition of the water.

Prepared water

The third class includes municipal, surface or ground water that has been purified by treatments that change the chemical composition of the water. In the case of municipal water, for instance, previously added chemicals such as fluoride are removed and minerals are added.

The regulations will also force some manufacturers to redefine what constitutes bottled water. The new regulations govern the quality of water and the claims that can be made in relation to bottled water, in terms of the *Foodstuff, Cosmetics and Disinfectants Act 54*

of 1972, which stipulates that bottled water is packed in a sealed container, offered for sale as a foodstuff for human consumption but does not contain sugar, sweeteners, flavouring or any other foodstuffs. Flavoured water is thus not classified as bottled water, notes Krige.

The industry has welcomed the new legislation. John Weaver, chairman of Sanbwa said that it would help to build the rapidly-growing local bottled water industry by giving compliant producers more credibility with consumers.

“Bottlers who weren’t Sanbwa members and did occasionally produce inferior products, were a threat to the industry as a whole but, from a legal point of view, there was nothing we could do to either eliminate them or upgrade their operations to the correct standards.”

Weaver noted that the new legislation ensures that new entrants to the market start up under optimal conditions and are, therefore, sustainable in the long term. “That’s good not only for the bottled water industry but for the economy as a whole,” he added.

Setting the standard

Sanbwa has done much to promote high quality standards in the sector. Members must adhere to a set of stringent quality control checks at all stages of their operations. These are subject to bi-annual audits, carried out by external reviewers.

All Sanbwa members are obliged to carry the Sanbwa logo on their products. The logo acts as a seal of quality. Since the new bottled water legislation was passed last year, as a service to the industry, Sanbwa has assisted many non-members in becoming compliant.

It has sampled 70 bottles from the trade, evaluated them against the regulations, and informed individual bottlers about what they needed to change in order to become compliant. It has also been working closely with many bottlers in re-designing labels

and advising them on aligning their process requirements with the new legislation. **M&JR**

