



Wine Law is back at the request of many within industry and the national Department of Agriculture.

Please note that the previous round of amendments to the Regulations and Wine of Origin Scheme, as set out for comments in [Wine Law 3 of 2022](#) (9 September 2022), were all withdrawn because of procedural errors. This was followed by protracted consultations with various parties, including the industries concerned and international trade partners, on above-mentioned amendments as well as new proposed amendments such as the inclusion of new classes of liquor products like beer, sugar fermented alcoholic beverages, etcetera.

AMENDMENTS TO THE REGULATIONS OF THE LIQUOR PRODUCTS ACT AND THE WINE OF ORIGIN SCHEME

The Minister of Agriculture, Land Reform and Rural Development has recently approved and published amendments to the Regulations and the Wine of Origin Scheme under the Liquor Products Act, 60 of 1989.

An interactive set of the updated Regulations can be downloaded [here](#). An updated set of the Wine of Origin Scheme can be downloaded [here](#). This newsletter will become too voluminous if all new amendments are fully described herein. It is highly recommended that you read this document in conjunction with the updated Regulations and Wine of Origin Scheme referred to above, which are referenced throughout.

Noteworthy amendments to the **Regulations** are:

1 **Skin fermented white**

A new class of wine (item 8aa of Table 2) to accommodate this wine making practice for white wine. Indication on a label of the class designation is compulsory – Regulation 33(2)(a)(i).

2 **Moscato**

The use of “Moscato” or “muscat” was previously regulated as part of the list of varieties allowed for making wine and via provisions of the Wine of Origin Scheme. Now, it is more appropriately listed as class of wine. Certification under the Wine of Origin Scheme is compulsory. Indication on a label of the class designation is also compulsory – Regulation 33(2)(a)(i). For “muscat” as an allowed alternative class designation see item 17 of Table 10.

Important to note that the Department of Agriculture has indicated that this amendment is currently under review.

3 **Bottle-fermented sparkling wine**

The minimum duration of the production process was shortened to three months instead of nine months – item 16 of Table 2.

4 **Méthode Cap Classique**

Méthode Cap Classique sparkling is now a separate class with its own requirements apart from Sparkling Wine according to the traditional method. The requirements for the latter will remain unchanged but will no longer be able to use the designation Méthode Cap Classique or MCC. In

addition, a new class - Méthode Cap Classique with Extended Lees Aging – was created. Certification in terms of the Wine of Origin Scheme is compulsory for MCC sparkling wines. See items 17A and 17B in Table 2 of the Regulations. Indication on a label of the class designation is compulsory – Regulation 33(2)(a)(i). For permissible alternative class designations see items 8A and 8B of Table 10.

5 Rosé from white wine aged in wooden casks, previously used to age red wine

Above-mentioned was created as a new class of wine. See item 19a in Table 2 of the Regulations. For class designation labelling requirements see Regulation 35(1)(aA)

6 Cider requirements - Regulation 8(5)(a)(i)

Up to 25 % of the final volume of a cider may now consist of either pear juice or grape juice or a mixture thereof.

7 Other fermented beverages – Regulation 8A

A new category of liquor product which consists of the following classes:

Mead (Alcoholic honey beverage) – See Regulation 8A(a) and (b), Table 3A and, for class designation labelling requirements - Regulation 35(1)(f).

Sacramental alcoholic beverage - See Regulation 8A(a) and (c) and, for class designation labelling requirements - Regulation 35(1)(h).

Orange juice and sugar fermented alcoholic beverage - See Regulation 8A(a) and (d) and, for class designation labelling requirements - Regulation 35(1)(i).

Rice fermented alcoholic beverage - See Regulation 8A(a) and (e) and, for class designation labelling requirements - Regulation 35(1)(j).

Kombucha and sugar fermented alcoholic beverage - See Regulation 8A(a) and (f) and, for class designation labelling requirements - Regulation 35(1)(k).

Grain fermented alcoholic beverage - See Regulation 8A(a) and (g) and, for class designation labelling requirements - Regulation 35(1)(l). For allowed alternative class designations see items 44 and 45 of Table 10.

Sugar fermented alcoholic beverage - See Regulation 8A(a) and (h) and, for class designation labelling requirements - Regulation 35(1)(m).

The first three classes mentioned above were previously allowed under a permit and limited production system, but are now allowed without these limitations.

The class designations of all these classes of other fermented beverages must also be indicated on the main label of the product (Regulation 34(1)(d) and item 7 of Table 9).

8 Beer

A new category of liquor product – See Regulation 8B, Table 3B and, for class designation labelling requirements - Regulation 35(1)(n). For allowed alternative class designations see item 28 of Table 10.

9 Traditional African beer

A new category of liquor product – See Regulation 8C, Table 3C and, for class designation labelling requirements - Regulation 35(1)(o). For an allowed alternative class designation see item 29 of Table 10. The indication of alcohol content on labels for this liquor product is set out in Regulation 36(1)(b) and (c).

10 Sugar and alcohol content requirements for spirits

The maximum residual sugar content requirements for spirits were previously somewhat hidden in Table 6. They are now specified for each of the spirit classes in the text of the Regulations. If a spirit is allowed to be flavoured, a different maximum residual content is specified. See Regulations 10 to 24.

The general minimum alcohol content for the spirit classes has been lowered from 43 % to 40 %. The exception to this are the agave spirit classes at 35 % (Regulations 10A to 10M), premium husk spirit at 38 % (Regulation 11A), pot still and vintage brandy at 38 % (Regulations 12 and 14), mampoer at 50 % (Regulation 20) and absinthe at 45 % (Regulation 20A). In addition, if a spirit is allowed to be flavoured (brandy, whisky, cane spirit, rum, gin and vodka), the minimum alcohol content for the flavoured product is 35 %. The agave spirit classes (Regulation 10A to 10N) may also be flavoured, but their minimum alcohol content remain 35% in such cases.

11 New spirit classes

These new spirit classes are:

Agave spirit classes

The new agave spirit classes consist of 2 groups, 100 % agave spirits (Regulations 10A to 10G) and agave spirits (Regulations 10H to 10N). The distinction between these groups is that the former is required to be distilled from sugar obtained exclusively from agave hearts, while the latter need only be distilled from at least 51 % sugar obtained from agave hearts. For class designation labelling requirements see Regulation 35(1)(c) and, if flavoured, Regulation 35(2)(cD). For allowed alternative class designations see items 30 to 43 of Table 10.

Absinthe

A new spirit class – see Regulation 20A and, for class designation labelling requirements - Regulation 35(1)(c).

12 Gin requirements

The requirements for gin have been overhauled – see Regulation 21. For class designation labelling requirements see Regulation 35(1)(c) and, if flavoured, Regulation 35(2)(cF). For allowed alternative class designations (distilled gin, London gin, London dry gin) see item 13E of Table 10.

13 Flavoured spirits

Specific provision is now made for the flavouring of certain spirit classes – all the agave spirit classes (Regulations 10A to 10N), brandy (Regulation 13), whisky (Regulation 15), cane spirit (Regulation 18), rum (Regulation 19), gin (Regulation 21) and vodka (Regulation 22). If these spirit classes are flavoured, a minimum alcohol content of 35 % applies. For class designation labelling requirements for these flavoured spirit classes, see Regulation 35(2)(cD) for the flavoured agave spirit classes, Regulation 35(2)(c) for flavoured brandy, Regulation 35(2)(cA) for flavoured whisky, Regulation 35(2)(cC) for flavoured cane spirit, Regulation 35(2)(cE) for flavoured rum, Regulation 35(2)(cF) for flavoured gin and Regulation 35(2)(cB) for flavoured vodka.

14 Colouring of a spirit

Regulation 35(2)(cG) now determines that “If a spirit is coloured, the name or any other depiction of the colourant concerned may only be used anywhere on a label if it is made clear that it was primarily used as a colourant.”.

15 A spirit claiming to be a product of South Africa

Such a claim is only allowed if 100 per cent of the spirit’s alcohol, calculated on the basis of absolute alcohol, was obtained from distillation or redistillation in South Africa – Regulation 37(4).

16 Unspecified alcoholic fruit beverage

Pineapples may no longer be used to produce this class of alcoholic fruit beverage.

17 Spirit aperitif

Spirit aperitif, as one of the classes of spirit-based products, is now defined as:

“The product shall be produced by the addition of herbs, natural extracts of herbs, other flavourings of vegetable origin or flavourings which are nature-identical (excluding spirit flavourings and Cannabis flavourings), egg, milk, sugar of plant origin or water **to only one of the spirits** referred to in regulation 10 (grape spirit), 10A to 10N (agave classes), 11 (husk spirit), 13 (brandy), 15 (whisky), 18 (cane spirit), 19 (rum), 21 (gin) or 22 (vodka).” My bolding. See item 2 of Table 5.

A spirit aperitif shall have a minimum alcohol content of 24 % and a maximum of 35 %. A minimum sugar content no longer applies. “Spirit cocktail” may no longer be used as a class designation for a spirit aperitif.

The class designation of a spirit aperitif must also be indicated on the main label of the product (Regulation 34(1)(d) and item 7 of Table 9).

On a label the class designation must consist of the name of the spirit base with “aperitif”. For example: “Brandy aperitif”. Wherever it appears on a label the name of the spirit base must always be used in conjunction with and in letters of the same colour, type and size as the word “aperitif”: Provided that the name of the spirit concerned may be used on its own in descriptive text if such descriptive text clearly indicates that the spirit concerned has been blended, mixed, infused or otherwise combined with an allowed substance or substances.

18 Dairy free liqueur

A new class of spirit-based liquor – see item 6 of Table 5. For minimum sugar content requirement see Regulation 29(3). For class designation requirement see Regulation 35(1)(e).

19 Filling date or best before date or date of production

Besides filling date on a label, the Regulations now give the options to instead use best before date or production date. Use of abbreviations is also possible: FD for filling date, BB for best before date and PD for production date. See Regulations 33(1)(f) and 38A.

20 Indication of class designations on labels

As a general rule compulsory particulars on labels must be indicated within the same field of vision. In practice this is usually done on back labels. However, in the case of a spirit aperitif and an other fermented beverage, as is mentioned above, the class designation must also appear on the main label (the label normally facing the customer in most self-help retailers) in the prescribed way. See Regulation 34(1)(d) and item 7 of Table 9.

Important to note that above-mentioned requirement (class designation on main label as well) will apply to the class designations of all liquor products as from 31 December 2027.

21 Presentation and container requirements

Regulation 41 was amended to -

- (a) accommodate traditional African beer and traditional African beer powder; and
- (b) make it clear that a self-supporting and rigid unit may not contain smaller units which are not self-supporting and rigid.

22 Appeals

Regulation 58 was overhauled to provide a more detailed guidance in the case of appeals.

23 Offences and penalties

The maximum fine for a conviction of a contravention of the Regulations has been increased from R2 000 to R100 000.

24 Tables replaced

To make provision for the new liquor products and classes of liquor products referred to above, Table 6 (substances which may be added to liquor products), Table 7 (substances which may be removed from liquor products) and Table 8 (restricted substances in liquor products) were replaced.

Table 1 (grape cultivars which may be used for the production of wine) was also replaced to make it more readable and to add cultivars and synonyms.

Noteworthy amendments to the **Wine of Origin Scheme** are:

1. Definitions of grapes

Expanded to not only include fruit of plants of *Vitis vinifera*, but also fruit of plants of interspecific hybrids of *Vitis vinifera*.

2. Single vineyard wine units

Such a unit could previously only have a single variety. Now it can have more than one white variety or more than one red variety. See Section 6A(1)(a). Section 8A(1)(a) now determines that if a single vineyard unit has more than one variety, all such varieties shall be harvested at the same time and crushed and fermented together, i. e. a field blend.

3. Single vine wine

Provision has now been made for the production of a single vine wine. See Sections 6C and 8B.

4. Indication of the name of an origin area

It is compulsory for a certified wine label to indicate the name of the origin area concerned together with the expression "Wine of Origin" or "W.O." in the prescribed manner. Once this requirement has been met, producers are free to use the name of such an origin area without the expression "Wine of Origin" or "W.O.". This has been the case since the Wine of Origin Scheme came into operation in 1973. For the avoidance of any doubt, it is now made even clearer in the Wine of Origin Scheme - see Section 23(4)(j).

5. Replacement of Tables

Table 1 (vine cultivars to which scheme applies) and Table 2 (grape cultivars which may be used to produce Blanc de Noir wine) were replaced to make it more readable and to add cultivars and synonyms.

Table 4 (unacceptable quality characteristics of wine) was simplified and replaced.



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