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DEPARTMENT OF AGRICULTURE, LAND REFORM AND RURAL DEVELOPMENT

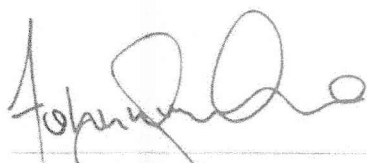
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AGRICULTURAL PRODUCT STANDARDS ACT, 1990
(ACT No. 119 OF 1990)

REGULATIONS RELATING TO MEAT ANALOGUES INTENDED FOR SALE IN THE REPUBLIC OF SOUTH AFRICA

The Minister for Agriculture has in terms of section 15 of the Agricultural Product Standards Act, 1990 (Act No. 119 of 1990), made the regulations in the Schedule.


MR. J.H. STEENHUISEN, MP
MINISTER FOR AGRICULTURE

SCHEDULE

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**PART I
DEFINITIONS, SCOPE AND RESTRICTIONS**

Definitions

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

"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 magisterial district in which it is situated;

"algae-based" means non-animal ingredients derived from algae, including microalgae and macroalgae, that are cultivated and processed to replicate the taste, texture, or nutritional properties of animal-derived products prepared for human consumption;

"assignee" means a person, undertaking, body, institution, association or board designated under section 2(3) (a) of the Act;

"bacterial-based" means non-animal ingredients derived from microbial fermentation processes involving bacteria, designed to replicate the taste, texture, or nutritional properties of animal-derived products prepared for human consumption;

"batch" means a definite quantity of meat analogues produced essentially under the same conditions and which do not exceed 24 hours;

"close proximity" means in the immediate vicinity of or nearest/ closest/ next to, and which shall not be interrupted or separated by for example any wording, symbols, figures, lines, depictions, etc.;

"container" means the immediate packaging manufactured from any suitable material in which a meat analogue is presented for sale, and includes wrappers, gift packs and hamper packs when such is offered to the consumer;

"descriptive name" means a name which describes the meat analogue and, if necessary, its use, and which is sufficiently clear to enable consumers to determine its true nature and distinguish it from other products which it might be confused with;

"designation of origin" means the name as defined in the regulations relating to the protection of geographical indications and designation of origin used on agricultural products intended for sale in the Republic of South Africa published under the Act;

"EU SADC EPA" means the European Union and Southern African Development Community Economic Partnership Agreement signed on 10 June 2016 between the member states of the European Union and the Southern African Development Community region of which the Republic of South Africa forms part;

"Executive Officer" means the officer designated under section 2(1) of the Act;

"food additive" means a permitted substance as defined in the regulations published under the Foodstuffs, Cosmetics and Disinfectants Act, 1972 (Act No. 54 of 1972);

"foodstuff" means a foodstuff as defined in the Foodstuffs, Cosmetics and Disinfectants Act, 1972 (Act No. 54 of 1972);

"foreign matter" means any non-food substance not intentionally incorporated into meat analogues which may include but is not limited to metal, plastic, glass, wood or other extraneous matter introduced during production, processing, packaging or distribution but excludes the presence of food additives and/ or foodstuffs intentionally incorporated in a meat analogue;

"fungi-based" means non-animal ingredients derived from any edible part of organisms in the kingdom of fungi, including the fruiting body or other edible parts of mushrooms, mycelium (the vegetative part of the fungus), or fungal fermentation processes designed to replicate the taste, texture or nutritional properties of animal-derived products prepared for human consumption;

"geographical indication" (GI) means the name as defined in the regulations relating to the protection of geographical indications and designation of origin used on agricultural products intended for sale in the Republic of South Africa published under the Act;

"herbs" means the leafy, seed or flowering parts of a plant used for, amongst others, flavouring and culinary purposes and could be fresh, dried or the extract thereof;

"inspector" means an officer under the control of the Executive Officer, or an assignee or an employee of an assignee;

"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 meat analogue, and includes labelling for the purpose of promoting its sale;

"letters" also means figures and symbols;

"main ingredient" means the ingredient(s) in a foodstuff which by weight or volume, whatever is applicable, contributes the highest percentage mass, excluding water;

"main panel" means that part(s) of the container, outer container or label that bears the brand name or trade mark of the product in greatest prominence, or any other part of the container, outer container or label that bears the brand or trade name in equal prominence;

"manufacturer" means any establishment which processes or prepares or produces meat analogues;

"meat" means the clean, sound and wholesome skeletal musculature and fatty tissue of any animal species, including bird or wild game species, used as a foodstuff, together with any connective tissue, residual/intrinsic blood, bone, fat and cartilage that occurs naturally in the skeletal musculature of the dressed carcass and head, excluding the musculature of the lips, snout, scalp and ears;

"meat analogue" (also known as meat substitute or imitation meat) means a product that --

- (a) subject to regulation 4(1)(d), is made from non-animal ingredients (e.g., plant-based, algae-based, bacterial-based, mushroom-based and/or fungi-based) and is available in different forms (e.g., coarse ground, emulsified and loose fill);
- (b) approximates the sensory qualities (primary texture and flavour) and/or nutritional or chemical characteristics of a specific type of meat product and/or in general appearance, presentation and intended use corresponds to meat or a product made from meat; and
- (c) may be presented for sale in an ambient, chilled or frozen state;

"mushroom-based" means non-animal ingredients derived primarily from the fruiting body or other edible parts of mushrooms (organisms in the kingdom Fungi) designed to replicated the taste, texture or nutritional properties of animal-derived products prepared for human consumption;

"outer container" means a carton or any other suitable packaging in which more than one container of meat analogues are packed, irrespective whether it completely or partially encloses the containers, (but excludes any type of open outer container in which the products are transported [e.g. crates, etc.]);

"packer" means --

- (a) a person or establishment dealing in the course of trade with meat analogues by packing such products for sale; or
- (b) a person or entity on behalf of whom the meat analogues have been packed for sale;

"plant-based" means non-animal ingredients derived from the fruiting body or other edible parts of plants (organisms in the kingdom Plantae), designed to replicate the taste, texture or nutritional properties of animal-derived products prepared for human consumption;

"prescribed name" means the name of the agricultural product prescribed by regulations under the Act;

"product name" means the combination of the prescribed name and descriptive name for a meat analogue as specified in regulation 7;

"salt" means a substance as defined in the regulations published under the Foodstuffs, Cosmetics and Disinfectants Act, 1972 (Act No. 54 of 1972);

"scale label" means a label that is printed by an electronic (weighing machine) mainly for the purpose of indicating the weight and price of the product, but which may also include other information about the product concerning such as e.g. abbreviated description of the product or/and date marking;

"spices" means dried, pungent or aromatic substances of edible plant origin (i.e. from the fruit, root, stem, bulb, bark or seeds) primarily used for flavouring, colouring or preserving of foodstuffs;

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

"trade mark" means a trade mark as defined in the Trade Marks Act, 1993 (Act No. 194 of 1993); and

"transparent" in relation to containers and outer containers, means that an area of at least a 25 percent continuous portion of the main panel or back panel, or across any two adjacent panels, of a container or outer container is transparent;

Scope of regulations

2. These regulations shall apply to meat analogues intended for sale in the Republic of South Africa to which and under circumstances in which a prohibition in terms of section 3 of the Act regarding control over the sale of meat analogues apply.

Restrictions on the sale of meat analogues

3. (1) No person shall sell meat analogues in the Republic of South Africa --
- (a) unless such products comply with the prescribed general standards referred to in regulation 4;
 - (b) unless the containers and outer containers in which such products are packed, comply with the requirements referred to in regulation 5;
 - (c) unless such products are marked in the manner and with the particulars referred to in regulations 6 to 11; and
 - (d) if such products are marked with any restricted particulars or in a manner which is prohibited in terms of regulation 12.
- (2) The Executive Officer may, taking the following into account, grant written exemption, entirely or partially, to any person(s) or entity on such conditions as he or she deems necessary, from the provisions of sub-regulation (1):
- (a) the seriousness of implications of the exemption applied for;
 - (b) possible unfairness towards consumers relating to the price and quality of the product; and
 - (c) any other factor the Executive Officer may deem necessary to take into account.
- (3) The restrictions in sub-regulation (1) above shall not apply to the sale of foodstuffs using names which are not prescribed under the Act (e.g., "hot dog", "chipolata", "bites", "steak", "pops", "balls", "rounds", "pieces", "tenders").

**PART II
GENERAL STANDARDS FOR MEAT ANALOGUES**

General standards for meat analogues

4. (1) All meat analogues shall --
- (a) be prepared from ingredients that are fit for human consumption;
 - (b) subject to the provisions sub-regulation (2) below, be free from any substance or foreign matter which do not normally form part of meat analogues;
 - (c) contain a protein content of at least 9% as analysed if it is formulated and intended to replace meat in products using the names burger, patty, sausage, banger, polony and mince subject to regulation 7(1)(f); and
 - (d) not contain ingredients and additives derived from animal origin: Provided that the addition of egg (Ovo), Milk (Lacto) and Honey is allowed when vegetarian claims are made in the manner prescribed by the legislation published in terms of the Foodstuffs, Cosmetics and Disinfectants Act, 1972 (Act No. 54 of 1972).
- (2) A meat analogue may, subject to subregulation (1)(d) above, contain food additives, colourants, seeds, spices, aromatic herbs and/or condiments.

**PART III
PACKING, CONTAINERS AND OUTER CONTAINERS**

Requirements for containers and outer containers

5. (1) A container in which meat analogues are packed shall --

- (a) be manufactured from a material that --
 - (i) is suitable for this purpose;
 - (ii) will protect the contents thereof from contamination; and
 - (iii) will not impart any undesirable taste or flavour to the contents thereof;
 - (b) be so strong that it will not be damaged or deformed during normal storage, handling and transport practices;
 - (c) be intact and clean; and
 - (d) be closed properly in a manner permitted by the nature thereof.
- (2) If containers containing meat analogues are packed in outer containers, such outer containers shall --
- (a) be intact, clean, neat, suitable and strong enough; and
 - (b) not impart any undesirable taste or flavour to the contents thereof.

PART IV MARKING REQUIREMENTS

Marking of containers and outer containers

6. (1) Except where specifically prescribed, all other marking requirements as specified by these regulations shall be clearly legible and be indicated at least in English, in detached letters of at least 1 mm in size for lower case vowels.

(2) Each container in which meat analogues are packed shall be marked with the following particulars at least in English:

- (a) **The product name** and, where applicable, **the additions to the product name**, as specified in regulations 7 and 8 respectively, in detached letters of the same type, size, colour and font, prominently on at least one main panel in a letter size of at least 2 mm for lower case vowels: Provided that the name of the added flavouring (e.g. 'vanilla', etc.) and added foodstuff may be indicated in one different colour when used in the additions to the product name
 - (b) **The name and address**, as specified in regulation 9.
 - (c) **The country of origin**, as specified in regulation 10.
 - (d) **Traceability and batch identification**, as specified in regulation 11.
- (3) (a) The particulars referred to in sub-regulation (2)(a), (b) and (c) above shall be marked on each outer container in which more than one container of meat analogue is packed.
- (b) The marking requirements prescribed in paragraph (a) above need not to be complied with if --
- (i) a transparent outer container is used and the particulars on the containers packed therein are visible from the outside; or
 - (ii) the same label which is affixed to the containers is also affixed to the outer container.

(4) Notwithstanding the provision in subregulation (2), meat analogues labelled with a scale label only shall be marked at least with the following particulars:

- (a) The information referred to in subregulation (2) (a),(c) and (d) in a letter size of at least 1mm in height.
- (b) The name and telephone number of the manufacturer, packer, importer, seller or person or entity on whose behalf the product has been packed in a letter size of at least 1 mm in height.

(5) Self-adhesive stickers indicating the particulars referred to in sub-regulation (2)(a) to (d) above in the prescribed letter sizes may be used to cover any incorrect and/ or supplement any lacking marking requirements identified during inspection, instead of relabeling the container or repacking the meat analogue concerned.

Indicating the product name

7 (1) Meat analogue shall be designated or named in accordance with the name specified under Annexure A: Provided that the following criteria are complied with:

- (a) The name for a meat analogue is preceded by a descriptive name such as "plant-based", "fungi-based", "mushroom-based", "vegan", "veggie" or "vegetarian" and/or a similar descriptive name or term that will assist or enable the consumer to determine the true nature and composition of the meat analogue.
- (b) Descriptive name referred to in the above sub-regulation (a) may be replaced or used together with the name of the plant species or fungi species used in the manufacturing of the meat analogue (e.g., "nut loaf" or "vegan nut loaf" or "soy mince" or "mushroom burger").
- (c) Subject to regulation 12(1)(c), no indication of animal species names, animal morphology or anatomy cuts names as defined in the regulations for meat, poultry meat, processed meat products and certain raw processed meat products published under the Act shall be indicated as part of the product name.
- (d) The words or expressions such as "chicken-style", "beef-style", "chick'n", "b*con" or any similar wording referring to the name(s) of animal species and meat products shall not be permitted to appear on the container and outer-container of meat analogues.
- (e) Depictions and /or images of animal species on the container and outer container of meat analogues shall not be permitted.
- (f) Meat analogues complying with the requirement of regulation 4(1)(c) shall indicate on the main panel, without referring to the animal species, one of the following: "Meat replacer" or "Meat substitute" or "Meat alternative" or "Plant-based protein" or "Plant protein" or any similar wording.
- (g) In the case of any other meat analogue not indicated in regulation 4(1)(c), the words or expressions referred to in sub-regulation 7(1)(f) may be indicated on the container: Provided that the --
 - (i) expression shall be indicated on the main panel of the meat analogue without referring to the animal species; and
 - (ii) meat analogue shall comply with the prescribed compositional requirement as set out under regulation 4(1)(c).

Additions to the product name

8. (1) When a flavouring, subject to regulation 7(1)(c), has been added to meat analogue in order to render a distinctive specific flavour thereto, the product name concerned shall be either be preceded by the expression "X Flavoured" or followed by the expression "with X Flavour" or "with X Flavouring", where "X"

indicates the name(s) of the flavouring(s) used, unless the flavouring concerned has been added with the intention to enhance the flavour of a specific ingredient or other added foodstuff concerned.

(2) When a foodstuff has been added to a meat analogue in order to render a distinctive taste thereof, the product name shall be followed by the expression "with X" or wording with a similar meaning, where "X" indicates the generic name(s) of the foodstuff(s) added: Provided that the requirements on Quantitative Ingredient Declarations (QUID), as specified in the regulations under the Foodstuffs, Cosmetics and Disinfectants Act, 1972 (Act No. 54 of 1972), shall be complied with.

(3) The words used to describe the texture or appearance e.g., "chunky", "smooth", "powder", "chargrilled", "seared", etc. may be indicated as part of the product name and/or be indicated on its own: Provided that such description is not misleading.

(4) If a meat analogue has been subjected to a smoking process and/or the application of a primary smoke condensate product (i.e. a product by controlled pyrolysis of hardwood), the expression "smoked" or "X smoked" (where "X" indicates the word 'wood' only or the name of a specific type of wood used for smoking) shall either form part of the product name or be indicated in close proximity to the product name on the main panel of the container.

(5) Words communicating the intended use or purpose of a meat analogue may be indicated as part of the product name, or on its own on the container (or both), e.g., "braai plant-based patty" or "breakfast vegan sausage" etc.

Indicating the name and address

9. The name and address of the manufacturer, packer, importer, seller or entity on whose behalf the meat analogues have been packed shall be indicated on every container: Provided that in the case where imported meat analogues indicate the address of the foreign manufacturer or packer only, a South African address for the importer, seller or entity on whose behalf the meat analogues have been packed shall in addition be indicated on each container.

Indicating the country of origin

10. (1) The country of origin shall be declared as follows on every container:

- (a) "Product of (name of country)" if all the main ingredients, processing and labour used to make the product are from one specific country; or
- (b) "Produced in (name of country)", "Processed in (name of country)", "Manufactured in (name of country)", "Made in (name of country)", or wording having a similar meaning, when the product is processed in a second country which changes its nature; or

(2) The words "Packed in (name of country)" may be used in addition to the requirements referred to in sub-regulation (1) above.

(3) The name(s) of the country(ies) indicated in terms of sub-regulations (1) and (2) above may not be abbreviated.

Traceability and batch identification

11. (1) Each container containing meat analogues shall be clearly marked with a batch code in such a way that the specific batch is easily identifiable and traceable.

(2) Date marking indications such as "best before", "use by" and "sell by" or any other suitable indications may serve as the batch code referred to in sub-regulation (1): Provided that the date marking shall not be removed or altered by any person.

Restricted particulars on containers and outer containers

12. (1) (a) No product name other than a name permitted for a meat analogue contained in a container, shall be marked on such a container or outer container: Provided that product names of meat analogues from the same manufacturer indicated for the sole purpose of promotion and/or comparative claims shall be allowed on the side panel or back panel of a container and shall be accompanied by wording such as but not limited to for example "also try these products in our range", etc.
- (b) No word or expression which so nearly resembles the product name for meat analogues that it could be misleading with regard to the composition of the product presented for sale, shall be marked on the container or outer container of such product.
- (c) Meat analogues shall not reference the name or description that is prescribed for meat and meat products unless permitted in terms of these regulations.
- (d) Meat analogues shall not include any reference to the name or description of a geographical indication (GI) or designation of origin of a meat analogue, animal and meat product which –
- (i) enjoys protection under the EU SADC EPA; or
 - (ii) any other GI or designation of origin other than those enjoying protection under the EU SADC EPA which originate from a World Trade Organisation (WTO); or
 - (iii) any locally manufactured product enjoying protection as registered GI or designation of origin in the Republic of South Africa.
- (2) No word, mark, illustration, depiction or other method of expression that constitutes a misrepresentation or directly or by implication creates or may create a misleading impression regarding the quality, nature, category, origin or composition of meat analogues shall be marked on a container or outer container of such product.
- (3) No registered trade mark or brand name which may possibly, directly or by implication, be misleading or create a false impression of the contents of a container or outer container containing meat analogues shall appear on such a container or outer container.
- (4) Subject to the provisions of sub-regulation (2) above, nutrient content claims and the "strict vegetarian" or "vegan" claims may be indicated on the main panel of the container of meat analogues: Provided that the use of the claims shall comply with the requirements as prescribed in the regulations published under the Foodstuffs, Cosmetics and Disinfectants Act, 1972 (Act No. 54 of 1972).
- (5) No claim regarding the absence of any substance that does not normally occur in meat analogues shall be marked on a container or outer container of such product, except in the cases where the negative claim is allowed for in the regulations published under the Foodstuffs, Cosmetics and Disinfectants Act, 1972 (Act No. 54 of 1972): Provided that the claim "meat free" may be indicated on its own on the container and outer container of meat analogues, and further provided that the claim is not indicated –
- (a) as part of the product name or in close proximity to the product name; and
 - (b) in letter size bigger than the letter size of the product name.
- (6) No comparison with or reference to the respective merit or demerits of meat, poultry meat, processed meat and raw processed meat products against meat analogues shall be marked on a container of meat analogues.
- (7) No claim which compares the total fat, saturated fat, cholesterol, sugar, sodium or salt, or energy value of two or more similar meat analogues by using words such as "reduced", "less than", "fewer", "light" and "lite", or words having a similar meaning, shall be made on the container or outer container thereof, unless the

following conditions are complied with:

- (a) The meat analogues shall be compared with a different version of the same or similar product.
 - (b) The meat analogues being compared shall be clearly marked on the container with the following information:
 - (i) A statement of the amount of difference in the energy value or relevant nutrient content, expressed as a percentage.
 - (ii) The identity of the meat analogues to which it is being compared in close proximity to or as part of the comparative claim.
 - (c) The comparison shall be based on a relative difference of at least 25% in the energy value or nutrient content of an equivalent mass or volume.
 - (d) The meat analogues shall be marked with the prescribed nutritional information declaration required in terms of the regulations published under the Foodstuffs, Cosmetics and Disinfectants Act, 1972 (Act No. 54 of 1972).
- (8) Any depictions, illustrations, words or wording which emphasise the presence of an added foodstuff, herb and/or spice in meat analogues shall only be allowed on a container or outer container if the requirements of Quantitative Ingredient Declarations (QUID), as specified in the regulations published under the Foodstuffs, Cosmetics and Disinfectants Act, 1972 (Act No. 54 of 1972), have been complied with.
- (9) The provisions of this regulation shall also apply to particulars that are marked on --
- (a) an outer container in which one or more separate containers of meat analogues is packed;
 - (b) a notice board displayed at or in the immediate vicinity of meat analogues that is kept or displayed for sale; and
 - (c) all advertisements for meat analogues.

PART V SAMPLING AND ANALYSIS

Sampling

13. For the purpose of an inspection and sampling for quality control, an inspector shall take such samples of a product, material, substance or other article in question as he or she may deem necessary.

Analysis

14. (1) Samples shall be analysed using the latest versions of the methods that can authenticate the composition of meat analogue and shall be analysed in a laboratory which is competent to test or analyse for the following:

- (a) Protein content referred to in regulation 4(1)(c) using Titrimetry, Kjeldahl method AOAC 955.04D (using factor 6.25) or any other internationally recognised method.
- (b) Test for animal components in the meat analogue using a PCR-based method for the detection of animal DNA or ELISA-based methods for the detection of proteins of animal origin or any other internationally recognised method: Provided that these tests will be conducted in exceptional circumstances where inspector suspect or has reasonable ground that there is an inclusion of animal ingredients in meat analogues or as agreed between the inspector and the manufacturer of the meat analogue.

(2) The following fee shall be payable by the manufacturer, packer, importer, seller or person or entity on whose behalf the product has been packed, whose details are declared as per regulation 9:

- (a) The laboratory analysis fee when samples are analysed to confirm compliance.
- (b) The courier (transport) fee when samples are dispatched to a laboratory.

(3) When the results of the analysis performed deviate from the prescribed compositional requirements for the product concerned, the whole batch from which the relevant samples were obtained shall be regarded as non-compliant.

PART VI OFFENCES AND PENALTIES

Offences and penalties

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

PART VII COMMENCEMENT

16. These regulations shall come into operation 12 months from the date of publication.

ANNEXURE A

MEAT ANALOGUES NAMES

Prescribed names 1	Descriptive names 2
1. Burger	"Plant-based burger" or "fungi-based burger" or "vegan burger" or "veggie burger" or "vegetable burger" or "single plant or fungi species name burger" or "mixed-plant species names burger" or any similar descriptive name
2. Patty	"Plant-based patty" or "vegan patty" or "veggie patty" or "vegetable patty" or "single plant or fungi species name patty" or "mixed-plant species name patty" or any similar descriptive name
3. Sausage	"Plant-based sausage" or "vegan sausage" or "veggie sausage" or "vegetable sausage" or "single plant or fungi species name sausage" or "mixed-plant species names sausage" or any similar descriptive name
4. Banger	"Plant-based banger" or "vegan banger" or "veggie banger" or "vegetable banger" or "single plant or fungi species name banger" or "mixed-plant species names banger" or any similar descriptive name
5. Griller	"Plant-based griller" or "vegan griller" or "veggie griller" or "vegetable griller" or "single plant or fungi species name griller" or "mixed-plant species name griller" or any similar descriptive name
6. Loaf	"Plant-based loaf" or "vegan loaf" or "veggie loaf" or "vegetable loaf" or "single plant or fungi species name loaf" or "mixed-plant species names loaf" or any similar descriptive name
7. Polony	"Plant-based polony" or "vegan polony" or "veggie polony" or "vegetable polony" or "single plant or fungi species name polony" or "mixed-plant species names polony" or any similar descriptive name
8. Mince	"Plant-based mince" or "vegan mince" or "veggie mince" or "vegetable mince" or "single plant or fungi species name mince" or "mixed-plant species names mince" or any similar descriptive name
9. Roast	"Plant-based roast" or "vegan roast" or "veggie roast" or "vegetable roast" or "single plant or fungi species name roast" or "mixed-plant species names roast" or any similar descriptive name
10. Schnitzel	"Plant-based schnitzel" or "vegan schnitzel" or "veggie schnitzel" or "vegetable schnitzel" or "single plant species name schnitzel" or "mixed-plant species names schnitzel" or any similar descriptive name
11. Product named according to shapes: (a) Frikkadel (b) Wheel (c) Disc (d) Nugget (e) Roll (f) Sizzler	The descriptive word or names such as "plant-based", "fungi-based", "veggie", "vegetarian" or "vegan" or any similar descriptive shall precede the name of the plant-based product shape or form listed under column 1 of the table.