

Voluntary Report – Voluntary - Public Distribution

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Report Name: South Africa Issues New Draft Regulation on Food Labelling

Country: South Africa - Republic of

Post: Pretoria

Report Category: FAIRS Subject Report

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Report Highlights:

On May 21, 2023, the South African Minister of Health issued a Government Notice (R.3337) inviting public comments on a draft regulation relating to the labelling and advertising of food products under the Foodstuffs, Cosmetics and Disinfectants Act, 1972 (Act No.54 of 1972). The official deadline for the submission of comments or representation on the draft regulation to the South African Director General of Health is July 21, 2023. The draft regulation emphasizes that no person may manufacture, import, sell, donate, or offer for sale any pre-packed foodstuff, unless the products are labelled in accordance with the regulation. Information on the product's label must be accurate regarding the character, origin, composition, quality, nutritive value, and time and place of manufacture. The regulation also specifies letter sizes on product labels, product description, the declaration of country of origin, and prohibited statements.

Background

On May 21, 2023, the South African Minister of Health issued a Government Notice (R.3337) inviting public comments on a draft regulation relating to the labelling and advertising of food products under the Foodstuffs, Cosmetics and Disinfectants Act, 1972 (Act No.54 of 1972). The official deadline for the submission of comments or representation on the draft regulation to the South African Director General of Health is July 21, 2023.

The Ministry of Health first published the draft regulation (R2986) on January 31, 2023 (see Post's GAIN report: [Proposed Amendments to Food Labelling and Advertising Regulations](#)), but later recalled it, saying the version was incorrect. A revised draft regulation was then published on April 14, 2023 (R3287), and again recalled, as it was not signed by the Minister of Health. A third version (R3320) was published and also recalled, as the government notice number R3320 was already assigned to a different regulation. The final version (R3337) was published on May 21, 2023, signed, and assigned a correct regulation number. The correct version of the draft regulation is available for download as a PDF at the following link: https://www.gov.za/sites/default/files/gcis_document/202304/48460rg11575gon3337.pdf

Proposed Amendments

The Ministry of Health has stated that it is proposing amendments to the regulation related to labelling and advertising to promote the social and economic welfare of consumers in South Africa. The Ministry says that it aims to ensure that companies and marketers convey information on food labels and advertising in a standard manner and with accurate information to help consumers make more informed and healthier food purchases.

The 246-page draft regulation is divided into five sections: I) General Provisions; II) Special Provisions; III) General Information on Front-of-Package Labels; IV) Nutritional Claims; V) Health Claims; and VI) Exemptions, Repeal, Commencement, and Short Title.

Key Changes and Additions to the Regulation

The draft regulation emphasizes that no person may manufacture, import, sell, donate, or offer for sale any pre-packed foodstuff, unless the products are labelled in accordance with the regulation. Information on the product's label must be accurate regarding the character, origin, composition, quality, nutritive value, and time and place of manufacture. The regulation also specifies letter sizes on product labels, product description, the declaration of country of origin, and prohibited statements.

The draft stipulates that a "Sell by Date" shall no longer be used, instead suggesting one of the following phrases for date markings:

- Use by
- Best Quality Before
- Date of Manufacture
- Date of Packaging

The proposal also highlights statements that are to be prohibited, such as the use of words "health" or "healthy," as well as other phrases that suggest health-giving properties, such as "wholesome,"

“nutritious,” “super-food,” “smart,” “intelligent,” or claims that a foodstuff provides complete or balanced nutrition. The draft regulation emphasizes that no nutrition or health claim that is not addressed in the regulation will be permitted on product labels or in advertisement.

Pre-packed foods must bear mandatory front-of-pack labelling when they contain added saturated fat, added sugar, added sodium, or total saturated fatty acids, in excess of the cut-off values listed in **Table 1**. All foods containing artificial sweeteners must also have front-of-package labeling.

Table 1: Nutrient Cut-Off Values Triggering Front-of-Package Labelling Requirements

Nutrients	Value indicated in nutritional information table
Total sugar(s) in g	Solids: $\geq 10\text{g}$ per 100 g
	Liquids: $\geq 5\text{g}$ per 100 ml
Total Saturated fatty acids in g	Solids: $\geq 4\text{g}$ per 100 g
	Liquids: $\geq 3\text{g}$ per 100 ml
Total Sodium in g	Solids: $\geq 400\text{mg}$ per 100 g
	Liquids: $\geq 100\text{g}$ per 100 ml

When front-of-package labelling is required, the product must have a black and white strap with the word “WARNING” and an “exclamation mark triangle” on the left side which serve as the anchor logo, followed by the applicable triangle(s) seen in **Figure 1**. The draft regulation further specifies that the warning label shall be placed on the top right corner of the package and must cover 10 to 25 percent of the front panel of the package, depending on the number of warning triangles applicable to the product.

Figure 1: Proposed Front-Of-Pack-Labelling



The regulation makes provision for permitted claims and specifies wording to be used for products that qualify for a specific health claim. No deviations from the approved wording will be permitted. The objective of the regulation on health claims is to prohibit product information that may mislead consumers.

The draft regulation states that if a product contains mechanically recovered meat, mechanically separated meat, or mechanically deboned poultry, it must be written in full in the ingredients list and may not be abbreviated. If a product contains more than 25 percent mechanically recovered meat, the ingredient must be declared on the main package panel in bold upper-case letters that are at least three millimeters tall. In cases where less than 25 percent of the product is made up of mechanically recovered meat (and no other meat ingredients), the name or description of the end product may not contain the word “meat.”

Support for the Proposed Regulation

The Healthy Living Alliance, a coalition of civil society organizations that advocates for equitable access to affordable and nutritious food for all in South Africa, expressed their support for the proposed regulation and emphasized that the proposed changes are in line with the World Health Organization's recommendation for a healthy diet. Further, they maintain, food regulation plays an important role in encouraging and empowering consumers to make healthier food choices. The organization expressed that the front-of-package labelling will simplify product information for consumers.

Concerns About the Proposed Regulation

The draft regulation concerns food manufacturers as the changes in labelling regulations may affect sales and profit margins. Press comments by the South Africa Canegrowers chief executive, indicate that the proposed regulations are not a consensus on whether labels will alter consumer behavior to reduce sugar consumption and address health concerns such as obesity. Therefore, food manufacturers will incur additional costs in implementing the regulation, may not result in anticipated social benefits. In a case where the implementation of the regulation leads to a decline in sugar consumption, this will result in lost sugarcane area and a significant revenue loss to the South African sugar industry.

Food manufacturers express that the additional costs to comply with the regulation will be passed onto the consumers. Additionally, the complexity of the regulation may present challenges in enforcing compliance due to differences that may arise in interpretation of the regulation between inspectors and food manufacturers. Nevertheless, Post's sources in the retail foods sector indicated that they are already reformulating their private-label and store brand products to conform with the proposed regulations.

Post will continue to monitor this proposed regulation and provide updates accordingly.

Attachments:

No Attachments.