

# BUSINESS LAW & TAX REVIEW

**BusinessDay**

April 2010  
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A REVIEW OF THE GOVERNMENT GAZETTE AND NEW DEVELOPMENTS IN LAW

## Foods labelling laws to change

Subject to certain very limited exceptions, the current labelling of all pre-packaged foods in SA will need to be revised

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**T**HE health minister published new regulations on March 1 for labelling and advertising foodstuffs under the Foodstuffs, Cosmetics and Disinfectants Act.

The Health Department has said that the new regulations are aimed at ensuring that consumers have access to accurately labelled foodstuffs that will, in turn, assist consumers in making informed food choices in line with the World Health Organisation (WHO) global strategy on diet, physical activity and health.

With one exception, the new regulations will come into operation with effect from March 1 next year. Subject to certain very limited exceptions, the current labelling of all pre-packaged foods in SA will need to be revised.

There are a number of aspects of the regulations which will have cost

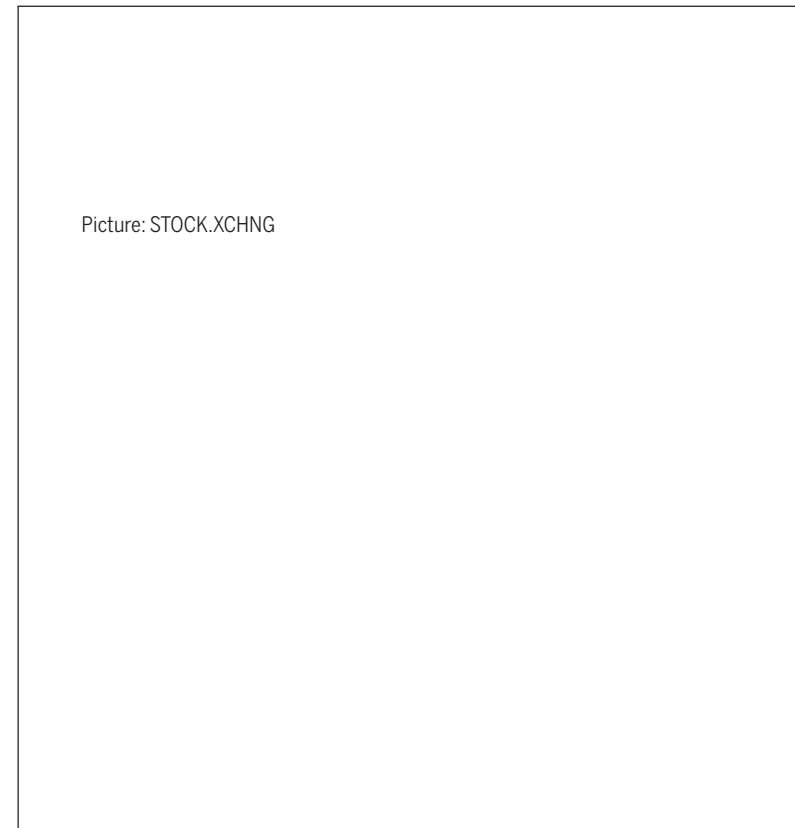
and administrative implications for the food industry or will require changes to current practice. These include provisions relating to:

- prescribed record keeping for manufacturers, importers and sellers of foods;
- the requirement that labelling must be in English and “where possible” at least one other official language;
- the introduction of Nutrient Reference Values (NRVs) to replace the current Recommended Daily Allowances (RDAs);
- batch identification and traceability requirements;
- more prescriptive country of origin and date marking provisions;
- mandatory disclosure of the presence of common allergens and goat’s milk in foods and an obligation to provide information to consumers on request in relation to uncommon allergens;
- subject to certain limited exceptions,

mandatory disclosure of all additives in the list of ingredients;

- on-label classification and disclosure requirements for fats and oils in foods;
- determination of storage instructions by manufacturers relevant to the nature of a food to ensure that any specific quality attributes for which tacit or express claims have been made are retained and preserved;
- regulation of vegetarian claims; and
- the requirement that manufacturers must have appropriate, scientific, evidence-based documentation to justify the chosen serving size of a food and that a serving size must not encourage consumers to consume “super size” servings.

The regulations will impose new obligations on retailers such as supermarkets, bakeries, petrol garages, fishmongers, delicatessens and the like where, in the course of business, ready-



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to-eat foods, flour confectionary or certain wheat products are prepared for direct sale to the consumer for consumption, or where frozen and then thawed foods are sold.

Another obligation which will now be placed on retailers is that an ingredient list, including disclosure of allergens, must be available on request at the point of sale of wheat products which are not pre-packed (including bread and bread rolls), any ready-to-eat food prepared and sold on the premises of a “catering establishment” for con-

sumption and flour confectionary intended to be consumed within 24 hours of manufacture.

The new regulations will introduce far-reaching changes to the types of claims which manufacturers may make on the labelling and advertising of foods.

One important change is that no claim (including claims for most vitamins and minerals, protein, fibre, energy, fatty acids and carbohydrates)

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