



**ANIMAL LAW REFORM**  
**SOUTH AFRICA**

**SUBMISSION IN RESPECT OF  
THE DRAFT REGULATIONS  
REGARDING THE LABELLING  
AND ADVERTISING OF FOODSTUFFS  
UNDER THE FOODSTUFFS, COSMETICS  
AND DISINFECTANTS ACT, 54 OF 1972**

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**21 September 2023**

To: The Department of Health (the “**Department**”)  
For the Attention of: Director: Food Control  
Malose Matlala  
Per e-mail: [Malose.matlala@health.gov.za](mailto:Malose.matlala@health.gov.za)

21 September 2023

Dear Honourable Representatives,

**RE: THE DRAFT REGULATIONS REGARDING THE LABELLING AND ADVERTISING OF FOODSTUFFS UNDER THE FOODSTUFFS, COSMETICS AND DISINFECTANTS ACT, 54 OF 1972**

Please find herewith the submission (the “**Submission**”) by Animal Law Reform South Africa (“**ALRSA**”) <sup>1</sup> in respect of the call for submissions published in *Government Gazette* Notice No. 47965 dated 21 April 2023 in respect of the Draft Regulation regarding the Labelling and Advertising of Foodstuffs under the Foodstuffs, Cosmetics and Disinfectant Act 54 of 1972 (the “**Draft Regulations**”).

We wish to note the importance of Department taking steps in respect of the drafting of these regulations, noting the purpose of the purpose of the Foodstuffs, Cosmetic and Disinfectants Act 54 of 1972 (the “**Act**”) to *control the sale, manufacture and importation of foodstuffs, cosmetics and disinfectants; and to provide for incidental matters.*

ALRSA has undertaken detailed analysis of problems within the South African food system, see for example our Working Paper<sup>2</sup> and White Paper.<sup>3</sup> Our research has shown that one of the main issues within our food system is in relation to the governance thereof, including insufficient and fragmented regulation, leading, among other issues, to injustice and lack of accountability.<sup>4</sup> We view these Draft Regulations as an opportunity to begin to confront some of these injustices and promote accountability. Accordingly, we encourage the Department to review the Draft Regulations through the lens of pursuing justice and promoting accountability, one aspect of which is transparency. This is also the lens through which we have made many of our comments on the Draft Regulations. Many of these are made at a high level and warrant further research and exploration.

One of the predominant ways which ALRSA seeks justice and accountability is to promote a move away from animal sourced foods, and towards alternatives to such sources.<sup>5</sup> This is because such alternatives, if properly regulated, offer the opportunity to move away from many of the current harms of industrial animal agriculture. These harms include but are not limited to animal harms, environmental harms, and harms to humans and society more broadly. In the context of such

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<sup>1</sup> Animal Law Reform South Africa Website: <https://www.animallawreform.org/>

<sup>2</sup> M. Makonese\*, F. Muchadeyi\*, and A.P. Wilson\*, Working Paper: Barriers to the Transformation of South Africa’s Food System: Can the Law be a Lever for Change?, Animal Law Reform South Africa, 2022. Available at: <http://www.animallawreform.org/wp-content/uploads/2022/07/Working-PaperFood-Systems.pdf>.

<sup>3</sup> Animal Law Reform South Africa, 2022. White Paper: Sowing the Seeds of Change: Towards a More Just and Inclusive Food System in South Africa. Makonese, Makanatsa\*, Muchadeyi, Farai\*, and Wilson, Amy P\*. Available at: <https://www.animallawreform.org/wp-content/uploads/2022/10/White-Paper-FoodSystems.pdf>.

<sup>4</sup> See abovementioned Working Paper, White Paper and most recently, Animal Law Reform South Africa, Laying Down the Facts (August 2023). Available at: [www.animallawreformsouthafrica.org](http://www.animallawreformsouthafrica.org) and [www.eggssouthafrica.org](http://www.eggssouthafrica.org).

<sup>5</sup> Ibid.

alternatives, we further note the importance of the Draft Regulations in light of the Department of Agriculture, Land Reform and Rural Development (“**DALRRD**”) actions to ban the use of various meat analogues using terms related to that of “processed meats”. While there has been successful cases granting an indefinite halting of the seizure of such products,<sup>6</sup> we note that the Draft Regulations fail to adequately address the issue of alternatives (including plant-based alternatives), nor do they adequately distinguish between plant-based products and diets such as vegetarian and veganism. We further note that the Draft Regulations fail to provide for scientific research in respect of the health implications of certain foodstuffs and the link between this and labelling, claims and advertisements which can have far reaching implications for human, animal and planetary health.

Issues around the labelling of food in South Africa have many potential far reaching implications including for humans, animals and the environment. This includes but is not limited to health, guaranteed constitutional rights, consumer protection matters and others. Not only are human animals are impacted by current food systems and food labelling, but trillions of non-human animals are implicated in the production of food. Animals suffer greatly and are ultimately killed: either in the process of feeding humans directly, or indirectly in the production of feed for other non-human animals – who may ultimately also fed to humans. Furthermore, it is important to acknowledge that plant-based, vegan and vegetarian food is not only intended/ marketed for people with compassion towards non-human animals. Some health conditions require a vegan diet including but not limited to hemochromatosis, some auto-immune diseases and allergies.

Therefore in the interests of creating a holistic and just system of regulation and food system more specifically, we must recognise and explore all relevant aspects. Similarly, in our pursuit of more just and sustainable food systems and food labelling, our impacts of utilising non-human animals as food must be interrogated and understood. While the production of any food causes harm, it is evident that some foods are much more harmful than others. It is thus important to acknowledge these harms, and to provide transparent information for consumers to make informed decisions. One such avenue includes food labelling.

The South African Government has an obligation to properly regulate the food industry, and animal agricultural industry in particular, and its far-reaching harms, as well as explore and regulate alternatives to non-human animal products and protein as food. At present, Government is not adequately doing this, which has led to legal loopholes and dire implications for non-human animals, people and the planet.

It is critical that foods are treated with equity – this means that certain foods should not receive preferential treatment over others without valid cause. For example, exemptions to certain provisions should not be granted to animal sourced foods and products, without applying to non-animal sourced foods and products of a similar nature. This is unless there is a clear and justifiable reason therefor.

These Draft Regulations present an opportunity to provide a more just food system through transparency. They have the potential to fulfil many constitutional aims and obligations of the government as well as aims in important legislation, including but not limited to the Consumer Protection Act, 2008; the Companies Act, 2008; the Animals Protection Act, 1962 and environmental legislation (including but not limited to the Climate Change Bill; NEMA and the Carbon Tax Act).

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<sup>6</sup> Vegconomist: <https://vegconomist.com/politics-law/south-africa-seizure-of-meat-alternatives-halted/>

We implore the Department to consider these opportunities and regulate holistically these matters in the pursuit of food justice, environmental justice, animal justice and social justice more broadly.

We encourage the Department to consider research in these areas (including our research as aforementioned) and particularly for purposes of the Draft Regulations, to guard against practices of “humane-washing”, “green-washing” and other types of “washing” wherein products are labelled and otherwise marketed in a manner that misleads or deceives consumers.

### **Organisational Background and Declaration of Interest**

ALRSA is a non-profit company and a registered NPO (Number 238-234 NPO) which operates through three key Pillars being: Animal Flourishing; Social Justice; the Law.

ALRSA undertakes its work through three main Mechanisms, namely: Education & Research; Legislative & Policy Reform; Litigation & Legal services. Through these Mechanisms, ALRSA aims to contribute to the development of a robust animal law ecosystem in South Africa which recognises the intrinsic worth of non-human animals as sentient beings. Our work is grounded in our understanding that it is critical for a context-sensitive approach to be taken to the furtherance of animal protection in South Africa, and that the impact of our work is enhanced through an intersectional approach to animal wellbeing, social justice and environmental protection.

We have a substantial interest in the issues to be considered by the Draft Regulations. We have, for years, consistently expressed interest in these issues including to DALRRD, other government departments, NGOs, the South African public and other stakeholders – both privately and within the public domain.

We have furthermore requested engagement with and feedback from the relevant authorities in respect thereof. We have provided various formal submissions, sent letters, emails, and other correspondence, attended presentations and meetings, and otherwise engaged on these matters (where such engagement has been possible). We are interested stakeholders and representatives of vulnerable populations within South Africa, including human as well as nonhuman animals. We have, within our core focus, concepts of social justice and appreciate the need for intersectionality in our approach.

### **Endorsements**

We wish to endorse the Submission made by:

i. Humane Society International – Africa (“HSI”) to the extent that these are not in conflict with our Submission and can be read collaboratively with one another.

Below contains a table with our respective submissions in respect of the specific provisions contained within the Draft Regulations. Please note that due to time constraints, our submission is non-exhaustive and we have sought to highlight only a few key aspects which warrant further research and explanation.

Kindly confirm receipt of this Submission and address further correspondence to the email address: [amywilson@animallawreform.org](mailto:amywilson@animallawreform.org) / CC: [contact@animallawreform.org](mailto:contact@animallawreform.org)

We look forward to receiving a response to our Submission and are available to engage on any queries, comments, concerns which you may have in respect of the Submission.

Please note that this Submission is non-exhaustive and does not represent all the responses or objections to or comments on the issues and matters raised herein. We reserve the right to provide any further or additional information on aspects raised herein or in respect of this Submission and related subjects.

We welcome the opportunity to make such Submission and look forward to it being properly considered by the Department more broadly and other departments with overlapping mandates.

We further look forward to engaging further on the issues contained herein.

**Yours sincerely,**

A handwritten signature in black ink, appearing to read 'APW', written in a cursive style.

**Amy P. Wilson**

*BCom, LLB, LLM, LLD Candidate*

*Director, Co-Founder*

Animal Law Reform South Africa

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# ANIMAL LAW REFORM

## SOUTH AFRICA

<b>REGULATION: BOLDED FOR EMPHASIS</b>	<b>ALRSA COMMENT: PROPOSED INCLUSIONS MADE IN "RED"</b>
<b>General Comment: Exemptions for animal derived and sourced foods including meat, milk, dairy, eggs, honey, gelatin and all others and equity for plant-based and other sourced foods</b>	We propose the removal of exemptions to certain regulations which apply for animal derived and sourced foods including meat, milk, dairy, eggs, honey, gelatin and all others throughout the entirety of the document. Animal sourced foods must be held to the same standards as other foods including those sourced from plants.
<b>General Comment: Incorporation of goals and aspects of related legislation</b>	We propose the Draft Regulations encompass the purposes of other relevant legislation pertaining to issues affected by the Draft Regulations including but not limited to the protection of human rights including those of consumers (see Consumer Protection Act); corporate accountability (see Companies Act); animal protection (see Animals Protection Act) and environmental protection (see various environmental legislation including National Environmental Management Act , Specific Environmental Management Acts, and other specific environmental laws such as the Climate Change Bill, Carbon Tax Act, among others). This in turn means that other relevant government departments, where appropriate must have mandates and duties to enforce relevant aspects applicable thereto where it overlaps with the Proposed Regulations and must work collaboratively and in a coordinated manner.
<b>General Comment: Future Proof</b>	We propose that an analysis of the Draft Regulations further be future proofed in light of the increasing types of new foods entering the market and in development as well as industries which are being pushed and promoted by other government departments. This includes increased production of animal sourced foods by DALRRD, the proposed increased production of game animals and products by the DFFE. It includes newer types of foods such as cell-based foods (cellular or lab-grown foods) and foods produced through methods such as precision-fermentation and methods such as 3D printing. <sup>7</sup>

<sup>7</sup> For more information see the Good Food Institute: <https://gfi.org/>


REGULATION: BOLDDED FOR EMPHASIS	ALRSA COMMENT: PROPOSED INCLUSIONS MADE IN "RED"
<p><b>Regulation 1 (Definitions):</b></p> <p><i>“Label” means “<b>any permanent tag, brand, mark, sticker, pictorial, graphic or other descriptive matter, which is written, printed, stenciled, marked, embossed, impressed upon, or permanently attached to a container of a foodstuff, and includes labelling for the purposes of promoting its sale or disposal.</b>”</i></p>	<p>When considered in light of Regulation 3(2), which provides that the label of pre-packaged foodstuff must be applied in such a manner that it may not be unintentionally separated from the container prior to or at point of sale, this definition cannot provide that it must be “<b>permanent</b>” in order for it to constitute a label. Therefore, this must be revised to include permanent or temporary tags, brands, marks etc.</p>
<p><b>Regulation 1 (Definitions):</b></p> <p><b>“Milk”</b> means cow’s milk unless otherwise specifically indicated.</p>	<p>Specific forms of milk referenced throughout the Draft Regulation includes “UHT milk”; “unsweetened canned condensed milk”; “goat milk”; “milk solids”; “milk sugar” and “fermented milk”, no reference is made to plant-based alternatives to these milk products. This includes reference to allergens (section 37) and uncommon allergens (section 38).</p> <p>Given that other types of “milks” exist and are recognized as such, we propose that, where applicable throughout the Proposed Regulations, such definition of milk should similarly include and be extended to include:</p> <p><b>“This includes ‘soy milk’; ‘coconut milk’ ‘rice milk’; ‘oat milk’; ‘almond milk’; ‘macadamia milk’, ‘hemp milk’, ‘banana milk’ or any other edible milk deriving from non-animal sources.”</b></p> <p>This inclusion needs to be considered on a clause by clause basis throughout the Draft Regulations for purposes of equity, while recognizing that unique circumstances apply to specific types of milks. For example, milk from cows has different allergens to milk from nuts.</p>
<p><b>Regulation 1 (Definitions):</b></p> <p><i>“<b>Processed meat</b>” means products containing meat that are published as Regulations on Processed meat, R.1283 of 4 October 2019 and subsequent amendments and revisions under the Agricultural Product Standards Act;</i></p>	<p>In terms of the latest published amendment on the Regulations on Processed meat under the Agricultural Product Standards Act, R.1283 of 4 October 2019, as referred to in this New Regulations, same fails to cater for application of cooked processed meat products (same can be referred to below herein).</p>

REGULATION: BOLDED FOR EMPHASIS	ALRSA COMMENT: PROPOSED INCLUSIONS MADE IN "RED"
	<p><i>“Processed meat” means meat that has undergone any action that substantially altered its original state (including, but not limited to, heating, smoking, curing, fermenting, maturing, drying, marinating (surface application), extraction or extrusion or any combination of all these processes), but excludes raw processed meat;</i></p> <p>The above definition of processed meat under the Agricultural Product Standards Act fails to specify or cater for the disclosure of the type of animal(s) in respect of cooked products. What is only evident from Regulation 4 of the Agricultural Product Standards Act, is the “<i>Categories and classes of processed meat products</i>” as referred to therein which further fails to provide for the type of animal in respect of the processed meat, or the disclosure of such animal, which must be disclosed to a consumer. This needs to be catered for under the finalised Regulations for a balancing exercise to occur in respect compliance for both processed and unprocessed meat products.</p> <p>Moreover, the definition of “<i>unprocessed meat</i>” under the New Regulations fails to disclose or cater for application of raw processed meat that is cooked meat products (same can be referred to below herein).</p> <p>“Unprocessed meat” means uncooked, uncured meat which has not been processed or heat-treated and which does not fall under the categories “processed meat” or “raw processed meat.”</p> <p>In light of the above, both the definitions of <i>processed meat</i> and <i>unprocessed meat</i>, fail to cater for cooked meat products leaving a gap to cooked products in respect of compliance – with more specification, the type of animal meat or the type of animal, bird, fish or other marine food species and the date of manufacturing, which are cooked and proceed for consumer sale.</p>
<p>Regulation 1 (Definition to be inserted):  <b>“Processed meat analogue”</b></p>	<p>While not referred to in the Regulations on Processed meat, R.1283 of 4 October 2019 nor subsequent amendments and revisions under the Agricultural Product Standards Act, we propose that the Draft Regulations specifically define “<b>processed meat analogue</b>” to mean:</p>



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	<p><i>“products derived from plant sources presented as vegetarian or vegan processed meat analogues to consumers. This includes, but is not limited to, products labelled as ‘vegan/veggie biltong’, ‘mushroom biltong’; ‘plant-based meatballs’; ‘vegan nuggets’; ‘vegan BBQ ribs’; ‘plant-based chicken-style strips’; ‘vegan burger’; ‘beyond burger’, or related terms using the products names prescribed for processed meat products in terms of R.1283 of 4 October 2019 or subsequent amendments and revisions under the Agricultural Product Standards Act.”</i></p>
<p>Regulation 1 (Definition to be inserted):</p> <p><b>“Vegan”</b></p>	<p>While the Draft Regulations define <b>“Vegetarian”</b> to mean a diet which -</p> <ul style="list-style-type: none"> <li>(a) Consists of ingredients of multi-cellular plant, fungal, algal, and bacterial origin;</li> <li>(b) May include honey, dairy foodstuff produced without any slaughter by-products, or unfertilized eggs obtained from live animals; and</li> <li>(c) Excludes all animal flesh and products obtained from the slaughter of an animal, such as gelatine, animal fats, caviar, and roe’</li> </ul> <p>A further definition for <b>“Vegan”</b> must be included with the definition as distinct from that of “vegetarian”. We propose that the following definition or similar be included:</p> <p><i>“Vegan’ means a diet which –</i></p> <ul style="list-style-type: none"> <li><i>(a) Consists of ingredients, including additives, carriers, flavourings, enzymes, processing aids, or any product related thereto, of multi-cellular plant, fungal, algal and bacterial origin;</i></li> <li><i>(b) Does not include any by-products, ingredients, including additives, carriers, flavourings, enzymes, processing aids, or any product related thereto, deriving from any animal, live or otherwise, including honey, dairy foodstuff, or unfertilized eggs; and</i></li> <li><i>(c) Excludes all animal flesh and products obtained from the slaughter of an animal, such as gelatine, animal fats, caviar, and roe.”</i></li> </ul> <p>The use of the term “vegan” must be differentiated from “vegetarian” as appropriate throughout and considered on a clause by clause basis throughout the entirety of the Draft Regulations. Certain provisions should require that products</p>

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	be labelled as vegan (where criteria are met) and also restrict the use of the vegan label appropriately.
Regulation 1 (Definition to be inserted):  "Emissions"	As per the Carbon Tax Act 15 of 2019:  <i>"(a) the release of greenhouse gases or their precursors; or (b) the release of greenhouse gases and their precursors, into the atmosphere, over a specified area and period of time"</i> .
Regulation 1 (Definition to be inserted):  "Greenhouse Gas"	As per the Carbon Tax Act 15 of 2019:  <i>"gaseous constituents of the atmosphere, both natural and anthropogenic, that absorb and re-emit infrared radiation, and includes carbon dioxide (CO2), methane (CH4), nitrous oxide (N2O), hydrofluorocarbons (HFCs), perfluorocarbons (PFCs) and sulphur hexafluoride (SF6)"</i> .
Regulation 1 (Definition to be inserted):  "Climate Change"	<i>"long-term shifts in temperatures and weather patterns, primarily due to human activities"</i> .
Regulation 1 (Definition to be inserted):  "Climate Change Food Label"	<i>"pictorial representation [diagram] on food packaging which discloses the impact that the product has on climate change, as determined by a qualified climatologist commissioned by the [Minister of DALRRD?]"</i> .
Regulation 1 (Definition to be inserted):  "Traffic Light Grading System"	<i>"the grading system which must be reflected on the climate change food label. The grading criteria for the climate change food label shall be determined and amended from time to time by the [the Minister of the Health/ DALRRD]] and may include factors such as greenhouse gas emissions, water usage, land use, energy consumption and sustainable farming practices.  The label will consist of a pictorial representation of a spectrum of colour and corresponding alphabetical letter ranging from green ('A' = least</i>

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	<p data-bbox="919 233 1938 302"><i>impact), yellow ('B'), orange ('C') to red ('D' = greatest impact) and indicates which colour and letter has been assigned to the product".</i></p> 
<p data-bbox="205 911 743 943">Regulation 1 (Definition to be inserted):</p> <p data-bbox="205 980 401 1013"><b>“Plant-Based”</b></p>	<p data-bbox="919 911 1938 1084"><b>“Ingredients including <i>additives, carriers, flavourings, enzymes, processing aids, or any product related thereto, of multi-cellular plant, fungal, algal and bacterial origin</i> and which is completely free of all non-human animal products including but not limited to dairy, egg, fish, meat, honey or any non-human animal derived ingredients such as gelatin”.</b></p>
<p data-bbox="205 1089 743 1122">Regulation 1 (Definition to be inserted):</p> <p data-bbox="205 1159 352 1192"><b>“Washing”</b></p>	<p data-bbox="919 1089 1938 1154"><b>Definitions for different and specific types of product “Washing” must be included, such as but not limited to</b></p> <ul data-bbox="961 1162 1276 1263" style="list-style-type: none"> <li>- <b>“green-washing”</b></li> <li>- <b>“humane-washing”</b></li> <li>- <b>“blue-washing”</b></li> </ul> <p data-bbox="919 1271 1938 1370"><b>Relevant provisions should be included in the Draft Regulations prohibiting the washing of products. Additionally, enforcement provisions should be included, where appropriate.</b></p>

REGULATION: BOLDDED FOR EMPHASIS	ALRSA COMMENT: PROPOSED INCLUSIONS MADE IN "RED"
<p><b>Regulation 2(3)(c) (General Provisions):</b></p> <p><i>“A person may not label a foodstuff for sale in a manner which contradicts any Regulations made under the Act relating to infants, young children or children”.</i></p>	<p>This prohibition must be extended beyond infants, young children, or children. Similarly, to how regulation 2(3)(b) does so in a broad prohibition.</p>
<p><b>Regulation 5 (a)(i) and 5(a)(ii)(aa) (Identification):</b></p> <p><i>“5. The label of a pre-packaged foodstuff must contain –</i></p> <p><i>(a) On the main panel –</i></p> <p><i>(i) Subject to the requirements of the Agricultural Product Standards Act, the name of the particular foodstuff and <b>where the name is not a true description of the foodstuff, or is not self-evident or self-explanatory, the name must be accompanied by an appropriate description:</b> Provided that the name of a foodstuff may consist of a name or a description, or of a name and a description and where a name or names have been established for a foodstuff in a Codex Alimentarius Standard, at least one of these names must be used”</i></p> <p>And</p> <p><i>“(ii) a name of the foodstuff or the description thereof shall –</i></p> <p><i>(aa) <b>be sufficiently precise to avoid misleading or confusing the consumer with regard the true nature, physical condition, type of packing medium, style, condition, content, and type of treatment it has undergone”</b></i></p>	<p>“Main panel” in terms of Regulation 1 of the Draft Regulations means:</p> <p>“that part of the label that bears the brand name or trade name and product name or product descriptor in greatest prominence that enables the consumer to <b>immediately</b> identify a product in terms of its character or nature”.</p> <p>This regulation however seemingly provides a contradiction to the “immediate” component of the main panel as defined in that, as per Draft Regulation 5(a)(i) “where the name of a pre-packed foodstuff is not of a true description of the foodstuff, or is not self-evident or self-explanatory, such name must be accompanied by an appropriate description.”</p> <p>This is further problematic as many products have different descriptions which would not necessarily be readily available on the main panels of all pre-packed products. Furthermore, the consideration of what may be an appropriate “product descriptor” may vary from each manufacturer of a foodstuff. As such, this provision should be integrated into the definition of “main panel” of the Draft Regulations to ensure alignment throughout.</p> <p>In respect of Draft Regulation <b>5 (a) (ii) (aa)</b>, the name of the foodstuff or the description thereof is required to “<b>be sufficiently precise to avoid misleading or confusing the consumer</b>”. This provision, however, fails to provide a threshold for what would constitute “<b>sufficiently precise</b>” for purposes of this regulatory provision. This remains an imperative omission as this threshold as currently drafted would be used to ensure that consumers are not misled or confused.</p>

REGULATION: BOLDDED FOR EMPHASIS	ALRSA COMMENT: PROPOSED INCLUSIONS MADE IN "RED"
	<p>Furthermore, we propose the insertion of further imperative considerations to be included after "... with regard [to] the true nature, physical condition, type of packing, medium, style, condition, content and type of treatment it has undergone".</p> <p><b>This includes "potential health effects related to the product, its packaging and type of treatment it has undergone."</b></p>
<p><b>Regulation ___: new Regulation to be inserted:</b></p> <p><b>Climate change labelling</b></p>	<p>As stated above, the climate change label will reflect a traffic light grading system which informs the consumer of the impact that the product has on the environment, and more specifically, climate change.</p> <p>This will assist consumers in making informed decisions that are better for their health and the health of our environment.</p> <p><b><i>"The label of a pre-packaged foodstuff must contain:</i></b></p> <p><b><i>(a) On the main panel –</i></b></p> <p><b><i>(i) A climate change label which depicts a 'traffic light grading system' for meat products that has been approved by the Minister of _____;</i></b></p> <p><b><i>(ii) The grade indication and its meaning must be clearly marked and identifiable."</i></b></p> <p>While we have not specifically included for purposes of this Submission, we further propose that the negative implications of certain foods be labelled appropriately in addition to issues of climate change, including but not limited to other potential environmental harms (use of resources including water and land; pollution sources such as water, air and soil; negative impacts on biodiversity), negative health implications) including but not limited to potential carcinogen; potential ailments and diseases associated with certain foods; zoonotic disease outbreaks associated with foods) etc.</p>
<p><b>Regulation 15 (4) (a) (Naming of ingredients):</b></p> <p><i>"Mechanically recovered meat, or any words such as mechanically separated meat, mechanically deboned meat, mechanically deboned poultry or any other similar term which</i></p>	<p>Reference is only made in respect of the last small piece (other pieces are not accounted for which may not be part of the last small piece) of the meat as same may have been separated from the carcass or bones.</p>

REGULATION: BOLDDED FOR EMPHASIS	ALRSA COMMENT: PROPOSED INCLUSIONS MADE IN "RED"
<p><i>means that <b>the last small piece of meat</b> is separated from the carcass or bones, <b>must always</b> be written out in full and may not be abbreviated <b>when listed</b> in the list of ingredients."</i></p>	<p>Furthermore, the 'last small piece of meat' is worded subjectively and could lead to interpretation issues.</p> <p>The abbreviation of the above is mandatory to be written in full, when listed in the list of ingredients.</p> <p>The abbreviation listing of the above is not mandatory to be listed as ingredients. This section must be amended to cater for this change.</p>
<p><b>Regulation 17 (1) (Indication of the type of meat species):</b></p> <p><i>"Subject to regulation 13, fresh, canned, frozen, raw-processed and processed fish, other marine food species, meat of birds and animals, pre-packed or offered for sale unpacked, <b>must clearly indicate the commonly used or known names</b>, either in the direct vicinity of where the product is exhibited for sale or in the list of ingredients on the label."</i></p>	<p>This regulation omits posing an obligation on the size of the names, nor the test which "clearly" is to be tested against to ensure uniformity. What may be clear to one, may not be clear to the other consumer. Therefore, this needs to be amended anticipating any unforeseen and foreseen eventuality in respect of name sizes to accommodate all consumers.</p> <p>Reference can also be made to canned meat. Notwithstanding the name, the same remains not being meat. The percentage of meat contained in the product further needs to be evidenced, as the labelling of same remains misleading in nature.</p> <p>Furthermore, this provision should be further extended to include both meat products as well as animal by-products including but not limited to milk, eggs, honey and gelatin, for instance.</p> <p>Lastly, the percentage of meat/ species contained in meat products remains/ and shall remain unknown/undisclosed should the above not be amended. Therefore, the indication must disclose the type of meat species, and disclose the percentage of meat contained therein, and where a percentage is not provided, a list of percentages of the present meat must be evidenced on the label.</p>
<p><b>Regulation 18 (Raw Processed Meat):</b></p> <p>"18 (a): In the case of raw-processed meat, words such as basted, basting, self-basting, marinated or</p>	<p>All processed meat products (raw or otherwise) should be labelled as a IARC Group 1, carcinogenic to humans, confirmed and classified by the World Health Organisation (WHO).<sup>8</sup> Processed meat has been classified in the same category as causes of cancer such as tobacco smoking and asbestos.</p>

<sup>8</sup> <https://www.who.int/news-room/questions-and-answers/item/cancer-carcinogenicity-of-the-consumption-of-red-meat-and-processed-meat>.

REGULATION: BOLDDED FOR EMPHASIS	ALRSA COMMENT: PROPOSED INCLUSIONS MADE IN "RED"
<p>marinating, seasoned or seasoning or any other words with a similar meaning may not be used to hide the fact that additives or other ingredients <i>such as a formulated solution of which the meaning has been assigned to it in the Regulations Regarding Control over the Sale of Poultry Meat</i>” No.R. 946 of 27 March 1992, as amended, and subsequent amendments and revisions under the <i>Agricultural Product Standards Act</i>; and</p> <p>(b) <i>an indication of the type of animal, bird, fish or other marine food species and the date of manufacturing-</i></p> <p>(i) <i>must appear on a notice placed closed to the bulk container from which the raw-processed meat is exhibited for sale which is easily legible to the consumer,</i></p> <p><i>as well as printed on a scale label which is attached to the packaging material.</i></p>	<p><b>As such, a warning label, in respect of carcinogens, akin to the labelling of cigarettes, should be compulsory for the labelling of all processed meat products.</b></p> <p>Moreover, the application of both Regulations 18 (a) and (b) caters for an indication of the type of animal, bird, fish or other marine food species and the date of manufacturing in respect of Raw Processed Meat, the definition of both <i>processed meat</i> products and <i>unprocessed meat</i> products omits to disclose or cater for application of the type of Raw Processed Meat which are cooked products, for both consumer awareness and identification (see below definition of “processed meat” under these regulations for ease of reference).</p> <p><b>“Processed meat”</b> means products containing meat that are published as Regulations on Processed meat, R.1283 of 4 October 2019 and subsequent amendments and revisions under the <i>Agricultural Product Standards Act</i>;</p> <p>The above definition in terms of the Regulations on Processed meat, R.1283 of 4 October 2019 under the <i>Agricultural Product Standards Act</i>, which refers that <b>“processed meat”</b> means meat that has undergone any action that substantially altered its original state (including, but not limited to, heating, smoking, curing, fermenting, maturing, drying, marinating (surface application), extraction or extrusion or any combination of all these processes), but excludes raw processed meat;</p> <p>As may be glanced from the above definition of processed meat under the <i>Agricultural Product Standards Act</i>, the definition fails to specify or cater for the disclosure of the type of animal(s) bird, fish or other marine food species and the date of manufacturing, in respect of cooked products. What is only evident from Regulation 4 of the <i>Agricultural Product Standards Act</i>, is the <i>“Categories and classes of processed meat products”</i> as referred to therein which further fails to provide for the type of animal in respect of the processed meat, or the disclosure of such animal, which must be disclosed to a consumer for consumer identification and awareness.</p>

REGULATION: BOLDDED FOR EMPHASIS	ALRSA COMMENT: PROPOSED INCLUSIONS MADE IN "RED"
<p><b>Regulation 21(3) (Added Water):</b></p> <p><i>“In the case of raw-processed meat, subject to Regulation 25(2), water added as an ingredient in a sauce or marinade on meat, need not be declared.”</i></p>	<p>The Regulation in question notes that it is subject to Regulation 25(2), however, there is no Regulation 25(2) in the Draft Regulations. As such, this regulatory provision needs to be revised.</p>
<p><b>Regulation 23 (Fats and Oils) to be inserted:</b></p> <p><b>Health impacts of fats and oils</b></p>	<p><b>This Draft Regulatory provision fails to provide for the provision of health impacts of consumption of these categories of foodstuff. The inclusion of this must be a mandatory in the labelling of fats and oil products.</b></p> <p><b>We propose incorporating a label with a warning stating ‘high fat [and/or oil] content’ in order for consumers to be equipped to make healthier choices or be mindful of their consumption.</b></p>
<p><b>Regulation 25 (Small packages):</b></p> <p><i>“The packaging of a pre-packaged foodstuff that has a total exterior area of 2000mm<sup>2</sup> or less, including single once-off use 10g or less sized packages of culinary herbs and spices, sauces, and condiments and 25g or less sized confectionary products are <b>exempted from the requirements of labelling</b>, except for the—</i></p> <p><i>(a) declaration of the name or description;</i>  <i>(b) name and address of the manufacturer;</i>  <i>(c) manufacturing date;</i>  <i>(d) declaration of common allergens if applicable;</i>  <i>(e) declaration according to Regulation 43 if the product has undergone irradiation; and</i>  <i>(f) subject to regulation 24(1) FOPL logo if applicable, unless sold from a bulk stock container.”</i></p>	<p>The wording of this Regulation is ambiguous. One may assume that this excludes all other requirements of labeling the packing of a foodstuff it is required to comply with except for the ones set out below herein:</p> <p><i>“(a) declaration of the name or description;</i>  <i>(b) name and address of the manufacturer;</i>  <i>(c) manufacturing date;</i>  <i>(d) declaration of common allergens if applicable;</i>  <i>(e) declaration according to Regulation 43 if the product has undergone irradiation; and</i>  <i>(f) subject to regulation 24(1) FOPL logo if applicable, unless sold from a bulk stock container.”</i></p> <p>In light of the above exemptions, the method of production and warnings have been omitted. For example, a warning label in the case of red processed meat and high fat content; as well as a climate change label.</p> <p>Notwithstanding the above, pictorial representation may still be on the packing of that size, despite whether it may be misrepresentative in nature or not. For example, the “laughing cow cheese” – depicts a happy state of the cow, whilst this is at odds with regulation 28 (1) of these regulations, as the labeling pictorial representation creates an erroneous impression not only regarding the character and nature of the</p>



REGULATION: BOLDED FOR EMPHASIS	ALRSA COMMENT: PROPOSED INCLUSIONS MADE IN "RED"
	<p>living conditions of the cows, but the method used to obtain the derived animal-product. This needs to be addressed by amending the exemption list and not exempting false, misleading, and deceptive package labels.</p> <p><b>For this regulation the recommended size should be an “<i>exterior area of 500mm<sup>2</sup> or less</i>”. And “<i>saucers and condiments and 10g or less sized confectionary products are exempted from the requirements of labelling</i>”.</b></p>
<p><b>Regulation 28(1) (Pictorial Representation):</b></p> <p><i>“The pictorial representation on the label or any advertisement of a prepackaged foodstuff may not be presented in a manner that is false, misleading, deceptive or is likely to create an erroneous impression regarding the contents of the container or its character, origin, living conditions in the case of animal-derived products, its composition, quality, nutritive value, nature or other properties in any respect: Provided that a foodstuff garnish, foodstuff or ingredient not present in the container, if used in the pictorial representation, may not dominate the pictorial representation.”</i></p>	<p>As ALRSA, we welcome the inclusion of this Draft Regulatory provision. Currently various instances of labelling and advertising of meat and other animal-based products and ingredients, including but not limited to meat, milk, eggs and dairy products (among others), are misrepresentative in nature and in contradiction with this Draft Regulatory provision.</p> <p>This includes meat and poultry products with “free range” labelling and pictorial representations of hens in open fields or a “laughing /happy cow” on the cover of certain dairy products. These and other similar images are misleading depiction of the commercial practices and animal welfare-related concerns commonplace in the production of these and other animal-based products. Coupled more broadly with a general lack of transparency by corporates to publicly acknowledge practices related to animal welfare generally to its consumers, this continues to actively mislead unaware consumers. This is in further contravention of constitutional rights and specific rights included in acts such as the Consumer Protection Act.</p> <p>We propose that it be mandatory that pictorial representations on the labels of meat and other animal-based and sourced products be 100% transparent to all consumers. <b>This must specifically include the production method employed, the living conditions of non-human animals such products are derived from as well as the negative health impacts associated with the consumption of these products.</b> [See climate change label above]. This is similar to the requirements of the Agricultural Products Act regulations in respect of eggs. For example indicating that the hens are caged; live in barns; are free-range or otherwise. These forms of production must be specified for all products involving animals.</p>

REGULATION: BOLDDED FOR EMPHASIS	ALRSA COMMENT: PROPOSED INCLUSIONS MADE IN "RED"
	<p>Furthermore, we propose that a further regulatory provision be provided obligating the FSA to seize any non-compliant/misrepresentative products of such nature.</p>
<p><b>Regulation 37(2)(d) (Allergens)</b></p> <p><i>“(2) The following ingredients derived from common allergens are exempted from the requirement to indicate appropriate labelling: (d) Milk and products thereof (including lactose): (i) whey used for making alcoholic distillates including ethyl alcohol of agricultural origin; (ii) lactitol; and”</i></p>	<p>We propose the removal of (d) Milk and products thereof (including lactose): (i) whey used for making alcoholic distillates including ethyl alcohol of agricultural origin; (ii) lactitol.</p>
<p><b>Regulations 42(1) (Misleading descriptions):</b></p> <p><i>“A word, statement, phrase, logo or pictorial representation which implies a message of being additive-free or veterinary medicine-free or which indicates the more humane treatment or rearing of foodstuff animals, such as, but not limited to, “grain fed”, “grass-fed”, “Karoo lamb”, “natural lamb”, “country reared”, “free range”, “pure”, will be permitted on the pre-packaged labelling and advertising of these products, provided the descriptor is linked to a specific protocol which is approved or registered with the Department of Agriculture, or regulated in terms of the Agricultural Product Standards Act.”</i></p>	<p>This provision enables the potential misrepresentation to unaware consumers, which specifically could imply that a foodstuff is, <i>inter alia</i>, indicative of more humane treatment or in respect of the rearing of animals for food, ingredients and products. This, coupled with the vague qualifier that this is permissible if the descriptor “is linked to a specific protocol which is approved or registered with the Department of Agriculture, or regulated in terms of the Agricultural Products Standards Act” results in actively misleading consumers in respect of commercial practices related to the production of these foodstuffs. This is largely due to the vagueness of this provision.</p> <p>For instance, this provision remains vague as to the threshold of compliance in respect of any “specific protocols” and merely states that such descriptor be “linked” to such protocol. Furthermore, the provision fails to provide any duties on the part of DALRRD nor any other party in ensuring that these foodstuffs remain compliant, nor provide for any measure of continued assessment in respect of ensuring compliance. Additionally, there is no threshold specifying the confinement of the misleading description referred to in the section.</p> <p>The duty in respect of misleading descriptions is therefore shifted and left with the manufacturer of the foodstuff as attested to by these regulations and not clearly</p>

REGULATION: BOLDDED FOR EMPHASIS	ALRSA COMMENT: PROPOSED INCLUSIONS MADE IN "RED"
	<p>under the enforcement purview of DALRRD nor any other governmental nor enforcement body.</p> <p>Due to these, and bearing the purpose of the Act being to “<i>control the sale, manufacture and importation of foodstuffs, cosmetics and disinfectants</i>” in mind, we propose that this provision be amended to <b>specifically prohibit any misleading word, statement, phrase, logo or pictorial representations.</b></p>
<p><b>Regulations 42(2) (Misleading descriptions):</b></p> <p><b>42(2)(a):</b> <i>“In the case of <b>foodstuffs that are not regulated in terms of the Agricultural Product Standards Act</b>, statements to the effect of being ‘fresh’, ‘natural’, ‘nature’s’, ‘pure’, ‘traditional’, ‘original’, ‘authentic’, ‘real’, ‘genuine’, ‘home-made’, ‘farmhouse’, ‘hand-made’, ‘selected’, ‘premium’, ‘finest’, ‘quality’, or ‘best’ or words with a similar meaning <b>are permitted: Provided the statement is compliant with the criteria stipulated in Guideline 12.</b>”</i></p> <p>And</p> <p><b>42(2)(b):</b> <i>“A statement that presents a foodstuff in a manner that is false, misleading or deceptive or is likely to <b>create an erroneous impression regarding the contents of the container or its character, origin, composition, quality, nutritive value, nature or other properties in any respect that could mislead consumers, is not permitted.</b>”</i></p>	<p><b>Regulation 42(2)(a)</b> suffers from the same shortcomings as in Regulation 42(1) above, specifically in that an apparent lack of enforcement nor duties for ensured compliance. This regulatory provision further fails to provide consequences nor penalties in respect of a failure to comply with the criteria stipulated in Guideline 12.</p> <p>This is further exemplified in <b>Regulation 42 (2) (b)</b> which expressly prohibits misleading or deceptive presentations of foodstuff, while not providing consequences for contravention of this regulation. Furthermore, while broadening the list by providing “<i>likely to create an erroneous impression regarding the contents of... other properties in any respect that could mislead consumers</i>”, <b>this should expressly include animal welfare and/or animal well-being</b>, as defined in National Environmental Management Laws Amendment Act (“NEMLAA”)<sup>9</sup>. For the sake of completion, we include the definition of “well-being” below:</p> <p><i>“The holistic circumstances and conditions of an animal, which are conducive to its physical, physiological and mental health and quality of life, including the ability to cope with its environment.”</i></p> <p>We submit that this should also include the slaughter and manner of death for the sake of completeness.</p>
<p><b>Regulations 42(3) (Misleading descriptions):</b></p>	<p>This regulatory provision explicitly only refers to “fish and other marine foodstuff” which causes confusion as to the applicability of this provision in respect of other</p>

<sup>9</sup> Act 2 of 2022 [https://www.gov.za/sites/default/files/gcis\\_document/202207/4660224-6-natenvmanaglawsamendact2%E2%80%A22022.pdf](https://www.gov.za/sites/default/files/gcis_document/202207/4660224-6-natenvmanaglawsamendact2%E2%80%A22022.pdf).

REGULATION: BOLDDED FOR EMPHASIS	ALRSA COMMENT: PROPOSED INCLUSIONS MADE IN "RED"
<p><i>"In the case <b>of fish and other marine foodstuffs</b> that are regulated in terms of the Compulsory Specifications Act, the statement <b>"wild" is not permitted unless it is qualified as "wild caught."</b>"</i></p>	<p>"wild" animals consumed such as various game meat produced in the country. This uncertainty is particularly alarming in light of the Game Meat Strategy proposed by the Department of Forestry, Fisheries and the Environment ("DFFE").<sup>10</sup></p> <p>Furthermore, the statement "wild" remains unclear on whether there is applicability on can on fish and other marine foodstuffs not regulated by the Compulsory Specifications Act, as this provision specifically references this act.</p> <p>Furthermore, due to the term "wild" not being defined in the Draft Regulations nor qualification provided in respect of what constitutes "wild caught", this leaves potentially detrimental impacts on the intended increased commercialization of wild animals by the DFFE in their Game Meat Strategy to be sold to unaware consumers under the guise of being "wild caught".</p>
<p><b>Regulation 45 (Vegetarian Claims):</b></p> <p><b>45(1):</b> <i>"A claim that a foodstuff is suitable for vegetarians must specify the type or category of vegetarian by adding one or a combination of suitable prefixes to the word "vegetarian" (such as but not limited to lacto-, ovo, honey-)"</i></p> <p>and</p> <p><b>45(2):</b> <i>"In the absence of a suitable prefix, the word "vegetarian"- means that all ingredients and additives (refer to Guideline 8) used in an end product are of multicellular plant, fungal, algal, and bacterial origin."</i></p>	<p>In respect of <b>Regulation 45(1)</b>, much like proposed above in respect of the definition of "vegetarian", <b>a separate and distinct provision be made for "vegan claims"</b>.</p> <p>Products containing any animal-based product, including but not limited to eggs, dairy, gelatin, honey, etc. should not be described as "natural", "plant-based" or "vegan". Such descriptions may mislead consumers who do not consume any animal products. This section needs to be amended accordingly to prohibit misleading descriptions on the true nature of ingredients and additives contained in a foodstuff. <b>If a product contains absolutely NO animal-derived ingredients, it should be clearly marked as "vegan". Furthermore, "plant-based products", what is purely a plant-based product must be defined as such.</b></p> <p>A third part independent organization should certify whether a product is in fact vegan, vegetarian or plant-based. See for example: V-Label.<sup>11</sup></p>

<sup>10</sup> [https://www.gov.za/sites/default/files/gcis\\_document/202207/47024gon2293.pdf](https://www.gov.za/sites/default/files/gcis_document/202207/47024gon2293.pdf).

<sup>11</sup> <https://www.v-label.com/>

REGULATION: BOLDDED FOR EMPHASIS	ALRSA COMMENT: PROPOSED INCLUSIONS MADE IN "RED"
	Furthermore, to ensure uncertainty in respect of the variation of products, it should be mandatory to distinguish between clearly defined terms such as “vegetarian” and “vegan” on labelling of products in terms of <b>Regulation 45(2)</b> .
<p><b>Regulation 52 (Marketing Restrictions):</b></p> <p><b>52(b):</b> <i>“The package or label or advertisement of foods carrying the FOPL shall not–</i></p> <ul style="list-style-type: none"> <li><i>(i) depict or contain reference to–</i> <ul style="list-style-type: none"> <li><i>(aa) any celebrities, sport stars, <b>cartoon-type character, puppet, computer animation or similar strategy</b>; or</i></li> <li><i>(bb) a competition or a token, gift, or collectable items which appeal to children, in order to encourage the use of such unhealthy foodstuffs.</i></li> </ul> </li> <li><i>(ii) abuse positive family values such as portraying any happy, caring family scenario, on a label or package in order to encourage the purchase of consumption;</i></li> <li><i>(c) encourage or condone excess consumption or excessive portion sizes;</i></li> <li><i>(d) undermine the promotion of healthy, balanced diets;</i></li> <li><i>(e) encourage or promote an inactive lifestyle; encourage or promote unhealthy eating or drinking habits;</i></li> <li><i>(f) <b>omit undesirable aspects of a food’s nutritional profile, contain any misleading or incorrect</b></i></li> </ul>	<p>While we commend inclusion of the broad nature and specificity of <b>regulation 52 (b)</b>, it is of concern that while referencing various meat products and by-products, <b>the misleading use of animals or depictions of animals in “natural” environments in advertising, packaging, and labelling is omitted. This restriction should specifically be included within this provision.</b></p> <p>Furthermore, in terms of <b>Regulation 52 (b) (i)</b> it provides that <i>“the package or label or advertisement of foods carrying the FOPL, shall not depict or contain reference to a cartoon-type character, puppet, computer animation or similar strategy”</i>. This however is not the reality in respect of many non-human animal products. This includes various dairy products, egg labels and numerous advertisements in respect of other animal-based products. This creates a gap between regulation, education and the practical implementation thereof.</p> <p><b>This section fails to include an enforcement and compliance monitoring mechanism. Furthermore, this section fails to provide any consequences for the contravention thereof, inclusive of fines, penalties nor any duties on monitoring entities in respect thereof.</b></p> <p>Lastly, in terms of <b>Regulation 52(f)</b>, it provides <i>“the package or label or advertisement of food carrying the FOPL shall not omit undesirable aspects of a food’s nutritional profile, contain any misleading or incorrect information about the nutritional value of the product”</i>. This is specifically omitted in respect of certain animal-based products. For instance, in respect of eggs, it has been reported in numerous studies by the Physician’s Committee for Responsible Medicine illustrating the negative health implications associated with egg consumption including and increase in heart disease, diabetes and cancer.<sup>12</sup></p>

<sup>12</sup> <https://www.pcrm.org/good-nutrition/nutrition-information/health-concerns-with-eggs>.

REGULATION: BOLDDED FOR EMPHASIS	ALRSA COMMENT: PROPOSED INCLUSIONS MADE IN "RED"
<p><b>information about the nutritional value of the product;</b></p> <p><i>(g) be represented as a substitute for meals;</i></p> <p><i>(h) be misleading about the potential benefits from consumption of the unhealthy food; or</i></p> <p><i>(i) create a sense of urgency designed to encourage purchase or consumption."</i></p>	<p><b>As such, we propose that all negative health implications of consumption of such products be visible and included in labels, packaging, and advertisements. This should include information about zoonotic diseases (for example African Swine Fever, Avian Flu, etc.) This inclusion should be informed by best scientific research in respect of such products.</b></p>
<p><b>Regulations 69 (1) (Reduction of disease risk claims):</b></p> <p><i>"The <b>reduction of disease risk claims</b> that link the consumption of a foodstuff or a foodstuff constituent in the context of the total diet to the reduced risk of developing a disease or a health-related condition, <b>is permitted for foodstuffs</b>, provided that the conditions set out in Table 5, are met."</i></p>	<p>This provision permits claims to be made in respect of certain foodstuffs that, if consumed in the context of the total diet would lead to reduced risk of development of a disease or health-related condition. This however is made without reference to any requirements in terms of scientific research, nor measure as to the authority in respect of verification of such claims. As such, this could lead to further misleading descriptions, statements, claims and advertisement to unaware consumers in respect of disease risk reduction.</p> <p><b>As such, we propose that specific reference be made to qualifiers including "the best scientific research available" and "regular verification as to the risk reduction claims made in respect of such foodstuff".</b></p> <p><b>Furthermore, should such claim be used, a carcinogen warning in respect of such foodstuff be provided alongside such claim, if applicable. Furthermore, we propose that an additional warning in respect of such claims be included, noting that such carcinogen effects could lead to the development of a disease or health-related issue, if applicable.</b></p>
<p><b>Regulation 74(3) (Exemptions):</b></p> <p><i>"The following foodstuffs are, unless otherwise stipulated in these regulations or any regulations published under the Agricultural Product Standards Act, and the Compulsory Specifications Act,</i></p>	<p>The exemption in respect of eggs in terms of <b>Regulation 74(3)(a)</b> requires further specification. While we are cognizant that this exemption would potentially facilitate the sale of egg products in the informal sector without contravention of the provisions of the Draft Regulations, as it currently stands, this exemption could further be utilized by manufacturers in the commercial sector conducting</p>

REGULATION: BOLDDED FOR EMPHASIS	ALRSA COMMENT: PROPOSED INCLUSIONS MADE IN "RED"
<p><i>exempted from the requirements regarding <b>labelling</b>, but when an energy, health, ingredient content or nutrition claim is made, the exemption falls away and these regulations apply:</i></p> <p><i>(a) <b>eggs except for the date on which the eggs were packed;</b></i></p> <p><i>(b) fresh, unprocessed vegetables;</i></p> <p><i>(c) fresh, unprocessed fruit;</i></p> <p><i>(d) any drink regulated by the Liquor Products Act. If an indication of common allergens or health statements or warnings are necessary, these statements must be indicated on the label in accordance with the relevant regulations under the Act;</i></p> <p><i>(f) unprocessed meat of animals and birds, referred to in Schedule 1 of the Meat Safety Act, or fish species referred to in the latest version of SANS 1647, that is intended for human consumption in South Africa and that have not been pre-packed, except for an indication of the type of animal and bird, fish, or other marine food species at the point of sale that—</i></p> <p><i>(i) must appear on a notice placed in close vicinity of where the foodstuff is offered for sale; and</i></p> <p><i>(ii) is easily legible and in clear view of the consumer, where such foodstuffs are exhibited for sale in bulk;</i></p> <p><i>(g) unprocessed fish, marine products, meat of animals and birds referred to in Schedule 1 of the Meat Safety Act, or fish species referred to in the latest version of SANS 1647, that is intended</i></p>	<p>prohibited labelling methods prohibited in other provisions of the Draft Regulations. This would result in further misleading or deceptive labelling practices being utilized on unaware consumers. As such, we propose the following amendment, or similar wording:</p> <p><i>“The following foodstuffs are, unless otherwise stipulated in these regulations or any regulations published under the Agricultural Product Standards Act, and the Compulsory Specifications Act, exempted from the requirements regarding labelling, but when an energy, health, ingredient content or nutrition claim is made, the exemption falls away and these regulations apply: (a) eggs <del>except for the date on which the eggs were packed</del> <b>sold in the informal sector by informal traders only.</b>”</i></p>

REGULATION: BOLDDED FOR EMPHASIS	ALRSA COMMENT: PROPOSED INCLUSIONS MADE IN "RED"
<p><i>for human consumption in South Africa and that is pre-packaged in such a way that the purchaser is able to identify the contents of the package, except for an indication of the type of animal, bird, fish or marine product, the date on which the product was packaged, the price per kilogram, as well as the price per container, printed on the scale label;</i></p> <p><i>(h) any ready-to-consume foodstuffs prepared and sold on the premises of a catering establishment for consumption including wheat products, which are not pre-packed (naked bread), except for information on the list of ingredients, common allergens, and date of manufacturing printed on the scale label or kept on file and made available immediately upon request, whatever the case may be;</i></p> <p><i>(i) non-prepackaged or transparently packaged servings of foodstuffs that are sold as snacks or meals on the premises of preparation, except for information on the list of ingredients, allergens, and date of manufacturing, printed on the scale label;</i></p> <p><i>(j) flour confectionary intended to be consumed within 48 hours of manufacture, except for information on the list of ingredients, common allergens, and date of manufacturing, printed on the scale label;</i></p> <p><i>(k) ice, except for the name and address of the manufacturer; and</i></p> <p><i>(l) water sachets used during sport events."</i></p>	