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### **Report Highlights:**

The FAIRS Annual Country Report provides a comprehensive summary of the rules and regulations governing the import of food and agricultural products to South Africa. To gain a thorough understanding of South Africa's food laws, standards, and import requirements, this report should be read in conjunction with the FAIRS Export Certificate Report. Key updates include amended regulations under the Liquor Products Act, South Africa's new Plant Health Act, and draft regulations for the management control system, which encompass kosher, halal, and organic products.

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### DISCLAIMER:

This report was prepared by the USDA - Foreign Agricultural Service office in Pretoria, South Africa, for U.S. exporters of domestic food and agricultural products. While every possible care has been taken in the preparation of this report, the information provided may not be completely accurate either because policies have changed since its preparation, or because clear and consistent information about these policies was not available. It is highly recommended that U.S. exporters verify the full set of import requirements with their foreign customers, who are normally best equipped to research such matters with local authorities. FINAL IMPORT APPROVAL IS SUBJECT TO THE IMPORTING COUNTRY'S RULES AND REGULATIONS AS INTERPRETED BY BORDER OFFICIALS AT THE TIME OF PRODUCT ENTRY.

## Executive Summary

- In 2024, the United States exported \$239 million worth of agricultural products to South Africa, showing a slight increase from the previous year's \$237 million. The primary products exported included soybeans, poultry meat, tree nuts, distilled spirits, and planting seeds.
- Despite a 56 percent decline in poultry exports, U.S. exports were bolstered by a surge in demand for soybeans and corn in South Africa. A mid-summer drought in 2024 led to a 35 percent reduction in soybean production while the country saw the smallest local corn crop in five years, increasing South Africa's need for soybean and corn imports to supplement local production.
- In total, South Africa globally imported \$7.9 billion in agricultural products in 2024, a 7 percent increase from 2023, reflecting higher demand for grains and plant oils following the drought. The main agricultural products imported by South Africa included rice, wheat, palm oil, sugar, sunflower oil, and mechanically deboned meat.
- South Africa's economic growth prospects over the medium term continue to be limited. The country's Gross Domestic Product grew 0.6 percent in 2024 and is expected to expand by less than 1.5 percent in 2025 and 2026. Furthermore, South Africa's unemployment rate remains around 32 percent. Frequent electricity supply shortages, policy uncertainty, logistical infrastructure challenges, squeezed household spending and a declining investment climate, significantly hinder economic growth.
- In March 2025, the Government of South Africa published an amendment to the regulations set forth under the Liquor Products Act 60 of 1989. These amendments aim to close loopholes while aligning the regulations with the Liquor Products Amendment Act 8 of 2021, which came into effect in August 2023.
- South Africa's new Plant Health Act, which came into effect in December 2024, replaces the outdated Agricultural Pests Act, 1983. The new act aims to strengthen plant health, biosecurity, and agricultural trade by preventing the introduction, establishment, and spread of regulated pests, controlling existing pests, and regulating the movement of plants and plant products.
- In May 2024, the Department of Agriculture published draft regulations for the management control system regarding the sale and export of certain agricultural products for public comment. These control management systems include kosher, halal, and organic products. The draft regulations propose additional documentation requirements to support label claims for imported food products.

## SECTION I: FOOD LAWS

South Africa's food and agricultural regulatory environment is characterized by a multi-agency system where the Department of Agriculture (DoA), the Department of Health (DoH), and the Department of Trade, Industry, and Competition (DTIC) develop and oversee the import laws for food and agricultural products. The philosophy underlying enforcement is a focus on consumer protection, ensuring food safety and quality, and promoting sustainable agriculture.

These ministries also designate autonomous organizations to carry out certain regulatory tasks. Some imported goods may be subject to multiple restrictions under different ministries due to the numerous ministries and agencies involved in regulating agriculture and food products. As a result, it is important for American exporters to comprehend all the regulations that apply to the importation of food and agricultural products to South Africa, as well as the relevant ministries.

In April 2023, food and agricultural products inspection services at the ports of entry were transferred to the newly established Border Management Authority (BMA). The BMA was formed to manage and secure the country's borders. Its primary mission is to facilitate legitimate movement of people and goods while concurrently enforcing border security. As an autonomous Schedule 3A Public Entity the BMA reports to the Department of Home Affairs and an Inter-Ministerial Consultative Committee on Border Management.

Tables 1, 2, 3, and 4 describe the duties and laws that fall within the three ministries (DoA, DoH and DTIC), affiliated organizations, and the BMA.

*Table 1: Major Food Laws, Legislation, and Regulations under the Department of Agriculture*

<u>Division</u>	<u>Summary</u>
<b>Food Safety and Quality Assurance</b>	<p><b><u>Key responsibilities</u></b></p> <ul style="list-style-type: none"><li>• Regulate the quality, standards, and safety of food and agricultural products.</li><li>• Control the production, import, export, and sale of certain alcoholic products.</li><li>• Analyze and monitor pesticide residue for fruits, vegetables, tea, wine, and grains.</li><li>• Appoint and oversee the following assignees to undertake inspections to ensure that the set standards and requirements are maintained:<ul style="list-style-type: none"><li>• <a href="#">The Perishable Products Export Control Board (PPECB)</a> conducts inspections, certification, and chain management for producers and exporters of perishable food products.</li><li>• <a href="#">South African Meat Industry Company (SAMIC)</a> oversees classification and marking of meat intended for sale in South Africa.</li><li>• <a href="#">Product Control for Agriculture (PROKON)</a> inspects potatoes, fruits, and vegetables intended for sale on the local market.</li><li>• <a href="#">Leaf Services</a> is responsible for inspection, quality assurance,</li></ul></li></ul>

	<p>grading and sampling of grains, oilseeds, and grain/oilseed products.</p> <p><b><u>Legislation</u></b></p> <ul style="list-style-type: none"> <li>• <a href="#">Agricultural Product Standard Act</a></li> <li>• <a href="#">Liquor Products Act</a></li> </ul>
<b>Plant Health</b>	<p><b><u>Key responsibilities</u></b></p> <ul style="list-style-type: none"> <li>• Regulate the import and export of plants and plant products.</li> <li>• Regulate and enforce phytosanitary measures.</li> <li>• Registration and approval of facilities (production units, packhouses, and inspection points) to enable the Agricultural Products Inspection Services (APIS) and PPECB to conduct inspections.</li> <li>• Serve as the National Plant Protection Contact Point (NPPCP).</li> </ul> <p><b><u>Legislation</u></b></p> <ul style="list-style-type: none"> <li>• <a href="#">Plant Health Act</a></li> </ul>
<b>Plant Production</b>	<p><b><u>Key responsibilities</u></b></p> <ul style="list-style-type: none"> <li>• Develop and promote national policies, standards, and guidelines to support sustainable production of grain crops, fruits, vegetables, industrial crops, ornamental crops, and indigenous crops.</li> <li>• Regulate plant varieties and propagating material.</li> <li>• Regulate the importation of listed and unlisted varieties.</li> <li>• Registration of premises for seeds, nurseries, and laboratories for seed testing and production.</li> <li>• Assess the impact of plant production systems/programs.</li> <li>• Render advisory services on crop production matters.</li> </ul> <p><b><u>Legislation</u></b> <a href="https://old.dalrrd.gov.za/Branches/Agricultural-Production-Health-Food-Safety/Plant-Production/Policies-and-Programmes">https://old.dalrrd.gov.za/Branches/Agricultural-Production-Health-Food-Safety/Plant-Production/Policies-and-Programmes</a></p> <ul style="list-style-type: none"> <li>• <a href="#">Plant Improvement Act</a></li> <li>• <a href="#">Plant Breeders Rights Act</a></li> </ul>
<b>Animal Health</b>	<p><b><u>Key responsibilities</u></b></p> <ul style="list-style-type: none"> <li>• Prevent and control of animal diseases.</li> <li>• Formulate policies to reduce disease risks in the import and export of animals and animal products.</li> <li>• Provide epidemiological and management support services for early warning and monitoring of animal diseases.</li> </ul> <p><b><u>Legislation</u></b></p> <ul style="list-style-type: none"> <li>• <a href="#">Animal Health Act</a></li> <li>• <a href="#">Meat Safety Act</a></li> <li>• <a href="#">Animal Identification Act</a></li> <li>• <a href="#">Animal Improvement Act</a></li> <li>• <a href="#">Veterinary and Para-Veterinary Professions Act</a></li> </ul>

<b>Genetic Resources</b>	<p><b><u>Key responsibilities</u></b></p> <ul style="list-style-type: none"> <li>• Regulate and provide an integrated management system to support conservation and sustainable use of genetic resources.</li> <li>• Develop and implement policies, legislation, strategies, and standards on the management of genetic resources for food and agriculture.</li> <li>• Regulate and promote the availability of propagating materials of genetic resources for food and agriculture.</li> <li>• Provide a risk-mitigating system in support of agricultural biodiversity.</li> </ul> <p><b><u>Legislation</u></b></p> <ul style="list-style-type: none"> <li>• <a href="#">Genetically Modified Organisms Act</a></li> </ul>
<b>Agriculture Inputs Control</b>	<p><b><u>Key responsibilities</u></b></p> <ul style="list-style-type: none"> <li>• Regulate the manufacturing, distribution, importation, sale, use, and advertisement of fertilizers, animal feeds, pesticides, and stock remedies, as well as the operation of sterilizing plants and pest control operators.</li> </ul> <p><b><u>Legislation</u></b></p> <ul style="list-style-type: none"> <li>• <a href="#">Fertilizer, Farm Feeds, Agricultural Remedies and Stock Remedies Act</a></li> </ul>

**Source:** Department of Agriculture

*Table 2: Major Food Laws, Legislation, and Regulations under the Department of Health*

<b><u>Division</u></b>	<b><u>Summary</u></b>
<b>Food Control Division</b>	<p><b><u>Key responsibilities</u></b></p> <ul style="list-style-type: none"> <li>• Develop and publicize food regulations to ensure administration of food legislation.</li> <li>• Audit and support Port Health Services and Municipal Health Services.</li> <li>• Evaluate risk assessments related to agricultural chemicals and food produced through biotechnology for the DoA.</li> <li>• Act as South Africa's National Contact Point for the joint FAO/WHO Codex Alimentarius Commission, the International Food Safety Authorities Network (INFOSAN), and the European Union Rapid Alert System for Food and Feed (RASFF).</li> <li>• Coordinate food monitoring programs and issue food safety alerts.</li> </ul> <p><b><u>Website Link</u></b></p> <ul style="list-style-type: none"> <li>• <a href="#">Department of Health</a></li> </ul> <p><b><u>Legislation Link</u></b></p> <ul style="list-style-type: none"> <li>• <a href="#">Foodstuffs, Disinfectants, and Cosmetics Act</a></li> </ul>

**Source:** Department of Health

**Table 3: Major Food Laws, Legislation and Regulations under Department of Trade, Industry, and Competition**

<b><u>Agency</u></b>	<b><u>Summary</u></b>
<b>The National Regulator for Compulsory Specification (NRCS)</b>	<p><b><u>Key responsibilities</u></b></p> <ul style="list-style-type: none"> <li>Enforce and set standard specifications for both locally produced and imported seafood and canned meat and fish products.</li> </ul> <p><b><u>Legislation</u></b></p> <ul style="list-style-type: none"> <li><a href="#">National Regulator for Compulsory Specifications Act</a></li> <li><a href="#">Compulsory Specifications for Seafood and Canned Fish Products</a></li> </ul>
<b>National Liquor Authority (NLA)</b>	<p><b><u>Key responsibilities</u></b></p> <ul style="list-style-type: none"> <li>Registration and inspection services of manufacturers and distributors of liquor.</li> <li>Inspect premises to ensure compliance with the terms of the Liquor Act of 2003.</li> <li>Develop and enforce national liquor laws, including minimum drinking age.</li> <li>Regulate and register manufacturers and distributors of liquor.</li> </ul> <p><b><u>Legislation</u></b></p> <ul style="list-style-type: none"> <li><a href="#">Liquor Act</a></li> <li><a href="#">Regulations on the Registration of Liquor Manufacturers and Distributors</a></li> </ul>
<b>South African Bureau of Standards (SABS)</b>	<p><b><u>Key responsibilities</u></b></p> <ul style="list-style-type: none"> <li>Develop, promote, and maintain independent food standards and quality systems.</li> <li>Food product testing.</li> <li>Certification, auditing, and assessment services for food and beverage processes, equipment, accessories, services, and standards.</li> <li>Serve as South Africa's WTO/TBT point of contact.</li> </ul> <p><b><u>Legislation</u></b></p> <ul style="list-style-type: none"> <li><a href="#">Standards Act</a></li> <li><a href="#">Food and Beverage Standards</a></li> </ul>
<b>Companies and Intellectual Property Commission (CIPC) – Patents, Designs, and Innovation Division</b>	<p><b><u>Key responsibilities</u></b></p> <ul style="list-style-type: none"> <li>Registration and enforcement of intellectual property rights (trademarks, patents, designs, and copyrights).</li> </ul> <p><b><u>Legislation</u></b></p> <ul style="list-style-type: none"> <li><a href="#">Patent Act</a></li> <li><a href="#">Trademarks Act</a></li> <li><a href="#">Designs Act</a></li> <li><a href="#">Copyright Act</a></li> </ul>

**Source:** Department of Trade, Industry, and Competition

**Table 4: Legislation and Regulations under the Border Management Authority**

<u>Agency</u>	<u>Summary</u>
<b>Border Management Authority</b>	<p><b><u>Key responsibilities</u></b></p> <ul style="list-style-type: none"> <li>• Inspection Services: Food and Agricultural products inspections have been transferred to the new BMA.</li> <li>• Risk management inspection/auditing services at official ports of entry points.</li> <li>• Provide national plant quarantine and diagnostic services.</li> <li>• Animal quarantine and inspection services.</li> </ul> <p><b><u>Legislation</u></b></p> <ul style="list-style-type: none"> <li>• <a href="#">Border Management Authority Act</a></li> </ul>

**Source:** Border Management Authority

## **Enforcement of Food Regulations**

The three ministries (DoA, DoH, and DTIC) and BMA oversee and enforce South African food and agricultural import restrictions, standards, and inspections. However, despite several coordination mechanisms in place, such as Inter-Ministerial Committees, enforcement coordination and capacity limitations continue to be a challenge. Due to these difficulties, rules may not always be applied or implemented consistently. Nevertheless, imported agricultural products must strictly adhere to the South African food laws, as inspections are conducted at the ports of entry which can be more easily monitored. Food health inspectors at the ports of entry are tasked with enforcing compliance with all food-related laws and regulations for imported products.

Alongside BMA inspectors, inspectors from DTIC's National Regulator for Compulsory Specification (NRCS) and the South African Bureau of Standards (SABS) enforce standards for both domestically produced and imported seafood and canned fish products. In accordance with the Foodstuffs, Cosmetics, and Disinfectants Act, the NRCS provides health certificates for seafood items attesting to their quality and conformity.

## **SECTION II: LABELING REQUIREMENTS**

### **Existing Labeling Regulations**

South Africa's food labeling regulations, governed by the Foodstuffs, Cosmetics, and Disinfectants Act ([Act 54 of 1972](#)), aim to ensure transparency, protect consumers, and promote fair marketing practices. Key regulations are listed in Table 5. The Food Control Division of the DoH is primarily responsible for developing and enforcing labeling laws for processed foods and alcoholic beverages. On April 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.



The draft regulation, relating to the labelling and advertising of food produce, emphasizes that no person may manufacture, import, sell, donate, or offer any pre-packed foodstuffs for sale, 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, time and place of manufacture. The regulation also specifies font sizes on product labels, product description, the declaration of country of origin, and prohibited statements (see [USDA South Africa Issues New Draft Regulation Food Labelling](#)). The draft regulations, if brought into force, could have several wide-ranging and arbitrary effects on local food manufacturers and imported products. The deadline for the submission of comments on the draft regulation was September 21, 2023. At the time of writing, the DoH is still reviewing comments, and FAS/Pretoria will continue to monitor the situation and provide updates accordingly.

**Table 5: Existing Labeling Regulations**

<b>Name of Regulation</b>	<b>Website Link</b>
Regulations relating to the labeling and advertising of foodstuffs (R146/2010)	<a href="#">Download</a>
Regulations relating to labeling and advertising of foodstuffs: Amendment (R45/2012)	<a href="#">Download</a>
Regulations relating to the labeling of foodstuffs obtained through certain techniques of genetic modification (R25/2004)	<a href="#">Download</a>
Regulations relating to foodstuffs for infants and young children (R991/2012)	<a href="#">Download</a>
Regulations relating to foodstuffs for infants and young children: extension notice (R433/2014) and amendment (R434/2013)	<a href="#">Download</a>
Regulations relating to health messages on container labels of alcoholic beverages (R764/2007)	<a href="#">Download</a>
Regulations relating to health messages on container labels of alcoholic beverages: amendment (R1208/2008)	<a href="#">Download</a>
Regulations regarding the classification, packing and marking of processed meat products intended for sale in the Republic of South Africa (R1283/2019)	<a href="#">Download</a>

**Source:** Department of Health, Food Control Division

In South Africa, nutrient, health, or other claims on food and beverage labels are restricted and defined. For instance, the claim "low in saturated fat" on the label may only be made if the amount of fat in the food is less than 1.5 grams per 100 grams of solids and 0.75 grams per 100 milliliters of liquids and does not account for more than 10 percent of the calories. If they meet all the requirements, absolute descriptors like "high fiber" or "low fat," as well as relative descriptors like "less," "fewer," "reduced," "light," or "more" are acceptable. Notably, comparison statements utilizing the terms "more than," "increased," or other similar expressions are not permitted when referring to nutrients that are physiologically advantageous, such as vitamins, minerals, bioflavonoids, carotenoids, or other advantageous food components. Inspectors at the ports have the authority to ask businesses for documentation of any claims made, including U.S.-approved health claims linking calcium and osteoporosis, fruits/vegetables and cancer, and sodium and hypertension. Implied claims are not covered by the existing South African regulations, and the inspector at the port of entry may interpret such claims in accordance with the rules regarding deceptive claims.

There are also requirements regarding how the country of origin must be labeled on food products. The label should read "Product of (name of country)" if all the major components, processing, and labor used to manufacture the food product are from that nation. The words "Produced in," "Processed in," "Manufactured in," or "Made in" should appear on the label of any food that has undergone processing that alters its composition in another nation. The phrase "Packed in (name of county)" may also be used.

The shelf life of all food products should be indicated on the packaging using phrases like "Best before," "Use by," and "Sell by." There is a list of exclusions to the labeling rule in the DoH regulations pertaining to the labeling and advertising of foodstuffs ([R. 146](#)).

Ensuring that American food labels comply with current South African food labeling laws can be challenging. For example, according to South African rules, labels must include the phrase "typical nutritional information," whereas labels in the United States must include the phrase "nutritional facts." While U.S. food labels utilize calories, South African regulations only allow the use of kilojoules (kJ) on food labels. Regulators and importers prefer that the proper labeling be applied before shipment. Notably, when such shipments are stopped at the port of entry, South Africa allows importers to conceal non-compliant labels with stick-on labels. At the ports of entry, non-compliant products are not released unless a corrective measure is taken. Retailers typically do not accept food products with covered labels since they generate unwarranted customer suspicions, and importers have previously claimed that such a process is too expensive. Figure 1 compares the variations between a food label from South Africa and one from the United States.

**Figure 1: Differences between a South African Food Label and United States Food Label**

## SA Label

## U.S. Label

### SERVING SUGGESTION

Easy to use and convenient. Ideal for tea and coffee.

### INGREDIENTS

Cane sugar.

### STORAGE

**STORE IN A COOL, DRY PLACE. ONCE OPENED, TRANSFER UNUSED CONTENTS INTO A RESEALABLE CONTAINER TO RETAIN FRESHNESS.**

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### TYPICAL NUTRITIONAL INFORMATION

AVERAGE VALUES	PER 100 g	PER 4.2 g SERVING
Energy	1590 kJ	67 kJ
Protein	0.1 g	<0.1 g
Carbohydrate of which total sugar	98 g / 97.0 g	4 g / 4.1 g
Total fat of which:	0.0 g	0.0 g
saturated fat	0.0 g	0.0 g
trans fat	0.0 g	0.0 g
monounsaturated fat	0.0 g	0.0 g
polyunsaturated fat	0.0 g	0.0 g
Cholesterol	0 mg	0 mg
Dietary fibre*	0.0 g	0.0 g
Total sodium	28 mg	1 mg

INFORMATION FOR PRODUCT AS PACKED.

\*VALUES FROM USDA NUTRIENT DATABASE REFERENCE TABLES.

500 g

OPAL25191

PAREV

## Nutrition Facts

454 servings per container

**Serving size 2 tps (8g)**

Amount per serving

**Calories 30**

%Daily Value

**Total Fat 0g 0%**

**Sodium 0mg 0%**

**Total Carbohydrate 8g 3%**

Total Sugars 8g

16%

**Protein 0g**

Not a significant source of saturated fat, trans fat, cholesterol, dietary fibre, vitamin D, iron, sodium and potassium.

\*One serving adds 8 g of sugar to your diet and represents 16% of the Daily Value for Added Sugars.

Ingredients: Cane sugar (100%)

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## Proposed Regulation Relating to the Mandatory Labeling of Food Containing Genetically Engineered Ingredients

South Africa has had compulsory Genetically Engineered (GE) labelling regulations in place since 2004 when the DoH introduced labelling regulations under the Foodstuffs, Cosmetics, and Disinfectants Act (1972) – [Regulation 25](#). This regulation mandates labeling of GE foods only in certain cases, including when allergens or genes with human or animal origin are present, and when a GE food product differs significantly from a non-GE equivalent in terms of their composition, nutritional value, mode of storage, preparation, or cooking. The rules also require validation of enhanced-characteristic (e.g., “more nutritious”) claims for GE food products. The regulations do not address claims that products are GE-free. To date, these requirements have not been triggered for any of the GE products/foods on the South African market and as a result none of these had to be labelled – i.e., these foods are considered equivalent to their conventional counterparts.

In contrast, the [Consumer Protection Act](#) from the Department of Trade, and Industry, and Commerce that has been in force since April 1, 2011, states that all GE goods must be labelled [Section 24(6)]:

Any person who produces, supplies, imports, or packages any prescribed goods must display on, or in association with the packaging of those goods, a notice in the prescribed manner and form that discloses the presence of any genetically modified ingredients or components of those goods in accordance with applicable regulations.

According to the act:

- All food containing more than five percent GE ingredients, whether produced in South Africa or elsewhere, needs to carry the declaration which states, "contains at least five percent genetically modified organisms" in a conspicuous and easily legible manner and size.
- Those products that contain less than five percent of GE ingredients may be labeled "Genetically modified content is below five percent".
- If it is impossible or not feasible to test goods for the presence of GE traits, the product must be labeled "may contain GMO ingredients".
- Products containing less than one percent GE content – may be labeled as “does not contain genetically modified organisms”.

Regulation 25 is based on health and food safety concerns, while the Consumer Protection Act is purely value-based, holding on to the consumer's right to information to make an informed choice or decision about food.

Draft amendments to the Act's GE regulations ([amendments](#)) were published in October 2012, in essence only changing the wording from “labelling genetically modified organisms” to “labelling genetically modified ingredients or components.” A significant implication of this change is that ingredients will have to be labelled individually as “containing GMO's” and not the whole product.

Serious concerns were raised regarding the limitations of the Act on GE labeling by the business community in South Africa, but no further action has been taken by the Department to develop more practical guidelines. As a result, final GE labeling regulations under the Consumer Protection Act have not yet been published, precluding any required GE labeling by stakeholders in the food supply chains of South Africa.

### **Amendments to Regulations Relating to Foodstuffs for Infants and Young Children**

In 2015, the DoH published proposed amendments to the regulations relating to foodstuffs for infants and young children, under the Foodstuffs, Cosmetics, and Disinfectants Act ([proposed amendments](#)). The key amendments relate to the labeling and distribution of infant and young children's food. The amendment also provides the dates of implementation of the various clauses, which range from 6 to 24 months. The proposed regulation is yet to be finalized or passed for implementation.

## SECTION III: PACKAGING AND CONTAINER REGULATIONS

### Existing Packaging and Container Regulations

South Africa's packaging and container regulations for agricultural products are governed by the [Agricultural Product Standard Act](#), with specific regulations for various products like fresh fruit, vegetables, and eggs. These regulations cover container requirements, packing methods, marking obligations, and quality standards. The DoA is responsible for enforcing these regulations, ensuring compliance with quality, safety, and labeling standards. The regulations relating to the grading, classification, container marking, labeling, packing, and container sizes of agricultural and food products are listed in Table 6.

*Table 6: Regulations Relating to the Grading, Classification, Packaging, and Marking of Agricultural and Food Products*

<b><u>Product</u></b>	<b><u>Regulation Link</u></b>
<b>Animal Products</b> (Dairy and imitation products; eggs; edible ices including ice cream, frozen dessert, yoghurt, fruit sorbet; meat; mohair; poultry meat; and processed meat products)	<a href="#">Animal Products</a>
<b>Agronomy Crops</b> (Canola, dry beans, ground nuts, sorghum, corn, corn products, malting barley, popcorn kernels, pulses, rice, wheat and wheat products, sunflower, and soybeans)	Error! Hyperlink reference not valid. <a href="#">Agronomy Crops</a>
<b>Vegetables</b> (Potatoes, tomatoes, onions and shallots, garlic, and other vegetables)	<a href="#">Vegetables</a>
<b>Processed Products</b> (Canned fruit, canned mushrooms, canned pasta, canned vegetables, dehydrated vegetables, dried fruit, fat spreads, vinegar, and table olives)	<a href="#">Processed Products</a>
<b>Deciduous Fruits</b> (Apples, apricots, grapes, pears, peaches and nectarines, and plums and prunes)	<a href="#">Deciduous Fruit</a>
<b>Citrus and Subtropical Fruit</b> (Avocados, bananas, citrus fruits, litchis, and pineapples)	<a href="#">Citrus and Subtropical Fruits</a>
<b>Other Fresh Fruit</b>	<a href="#">Other Fresh Fruit</a>

**Source:** Department of Agriculture

### Packaging Sustainability Measures

Generally, packaging and container rules demand that containers be sturdy enough for regular handling and packing of goods, undamaged, clean, moisture-resistant, and correctly sealed. Additionally, throughout processing or distribution, containers must not impart any flavors, aromas, colors, or other alien qualities to the food. Regulations require that containers be free from any harmful materials, ingredients, or other materials that could contaminate or spoil the



food inside. In 2014, South Africa published regulations ([G37818 – GN549](#)) to gradually phase out the use of polychlorinated biphenyl (PCB) materials and PCB-contaminated material. The phase-out time frames includes that no person may-

- use any PCB materials or PCB contaminated materials after the year 2023.
- have any PCB materials, PCB contaminated materials or PCB waste in their possession after the year 2026, excluding disposed PCB waste.

An official document certifying that the material has been fumigated must be included with packaging composed of natural materials and fibers. The South African Bureau of Standards (SABS) has created packaging specifications for materials like polyvinyl chloride (PVC) (a copy of these Standards can be purchased online from the [SABS Webstore](#)). South Africa also recognizes international standards including the Food Safety Certification Scheme ([FSSC](#)) Global Standards and those of the British Retail Consortium ([BRC](#))

South Africa has municipal waste disposal laws and product recycling regulations, but enforcement of these rules has not been a barrier to trade thus far. Waste in South Africa is governed by the National Environmental Management: Waste Act ([Act 59 of 2008](#)) and the [National Waste Management Strategy](#). Local municipalities also have bylaws aligned with the Waste Act, the National Environmental Management Act ([Act 107 of 1998](#)), and the Air Quality Act ([Act 39 of 2004](#)).

## SECTION IV: FOOD ADDITIVES REGULATIONS

### Existing Food Additive Regulations

Regulations for food additives in South Africa are created and overseen by the DoH Food Control Division, which also acts as the Codex Alimentarius point of contact. The [Foodstuffs, Cosmetics, and Disinfectants Act of 1972](#) serves as the foundation for the development and administration of food additive laws. According to the regulations under the Act, food additives are substances not typically consumed as foods on their own and are not usually common ingredients in food products. These substances may or may not have nutritional value but are intentionally added to food for various technological purposes, including organoleptic function. Their addition during the manufacturing, processing, preparation, treatment, packing, packaging, transport, or storage of the food may result in these food additives, or their by-products, becoming part of the food or affecting the characteristics of such food. The food additives in the regulations do not include contaminants or substances added to food to maintain or improve its nutritional quality.

Table 7 lists the restrictions that apply to additives in South Africa, including the permissible foodstuffs for each additive. A positive additive list is available from the Directorate: Food Control (e-mail: [foodcontrol@health.gov.za](mailto:foodcontrol@health.gov.za) ), or on the website of the DoH at: [Department of Health \(DoH\)](#). These regulations also outline the standards for additive usage, including labeling.

**Table 7: Existing Food Additives Regulations**

<b>Name of Regulation</b>	<b>Website link</b>
Regulations relating to the use of sweeteners in foodstuffs (R733/201)	<a href="#">Download</a>
Codex General Standards for Food Additives	<a href="#">Download</a>
Regulations – Preservatives and antioxidants: Amendment (R60/2009)	<a href="#">Download</a>
Regulations – Preservatives and antioxidants: (R965/1977)	<a href="#">Download</a>
Regulations relating to food colorants (R1055/1996)	<a href="#">Download</a>
Miscellaneous additives in foodstuffs	<a href="#">Download</a>

**Source:** Department of Health Food Control Division

In the absence of a specialized additive law, South Africa typically follows the Codex Alimentarius Commission's General Standard for Food Additives. An exporter may ask DoH for authorization to use an additive if it is not listed on the South African positive list or covered by Codex. In addition, the DoH may ask for proof that the additive is safe for consumption lengthening the review process.

## **SECTION V: PESTICIDES AND CONTAMINANTS**

### **Existing Pesticide and Contaminant Regulations**

South Africa's Maximum Residue Limit (MRL) regulations, established under the Foodstuffs, Cosmetics, and Disinfectants Act ([Act 54 of 1972](#)), govern the permissible levels of chemical residues, including pesticide and veterinary drug residues, in food. The regulations aim to ensure food safety and prevent the sale or importation of food with residue levels exceeding the specified limits. Maximum Residue Limits (MRLs) for pesticides, metals, and other chemicals are decided upon and approved by DoH. Additionally, the DoH is also responsible for enforcing the regulations and conducting residue analysis on food products. DoA oversees pesticide registrations, permits, and usage in agricultural production. DoA conducts residue monitoring programs to ensure compliance with MRLs and to identify potential risks. Information on permitted MRLs and approved pesticides is available to U.S. exporters on the [DoA website](#). South Africa follows Codex standards when there are no regulations covering a particular pesticide and pollutant.

On February 16, 2024, amended regulations ([Regulations Governing the Maximum Limits for Pesticide Residues that may be present in Foodstuffs](#)) that make provision for the new maximum limits for pesticide residues in foodstuffs under the control of the DoH, in terms of the Foodstuffs, Disinfectants, and Cosmetics Act (Act 54 of 1972) were published. The restriction of specific chemicals, the grouping of goods and their corresponding MRLs, and the addition and revision of numerous MRLs, are among the major changes.

**Table 8: Existing Pesticides and Veterinary Drugs MRLs Regulations**

Name of Regulation	Website Link
Regulations governing the maximum limits for pesticide residues that may be present in foodstuffs (R119/2020, R46/2012, R548/2010, R1047/2006 & R247/2005)	<a href="#">Download</a>
Regulations governing the maximum limits for veterinary medicine and stock remedy residues that may be present in foodstuffs (2017)	<a href="#">Download</a>

**Source:** Department of Health

**Table 9: Existing Contaminants Regulations**

Name of Regulation	Website Link
Regulations governing the tolerance for certain seeds	<a href="#">Download</a>
Regulations relating to the maximum levels of heavy metals in foodstuffs	<a href="#">Download</a>
Regulations governing tolerance for fungus-produced toxins in foodstuffs	<a href="#">Download</a>
Regulations relating to objects packed in foodstuffs intended for children	<a href="#">Download</a>
Regulations relating to maximum levels for melamine in foodstuffs	<a href="#">Download</a>
Regulations relating to marine biotoxins	<a href="#">Download</a>
Regulations governing certain solvents in foodstuffs	<a href="#">Download</a>
Regulations relating to mineral hydrocarbons	<a href="#">Download</a>
Regulations governing radio activity in foodstuffs	<a href="#">Download</a>

**Source:** Department of Health

### **Plant Health (Phytosanitary) Act 35 of 2024**

South Africa's new [Plant Health Act](#), signed into law in December 2024, replaces the outdated Agricultural Pests Act of 1983. This Act establishes a comprehensive framework for managing plant health, including preventing the introduction and spread of pests, controlling regulated pests, and regulating the movement of plants, plant products, and other regulated articles. This significant legislation modernizes South Africa's approach to plant health, biosecurity, and intellectual property protection for plant varieties.

The new Act strengthens phytosanitary measures to ensure compliance with the World Trade Organization Agreement on the Application of Sanitary and Phytosanitary Measures (WTO-SPS Agreement) and the International Plant Protection Convention (IPPC). As a signatory member of both the WTO-SPS Agreement and the IPPC, South Africa was obliged to align its phytosanitary legislation with relevant obligations and standards to facilitate safe and fair international trade.

The Act establishes the National Plant Protection Organization of South Africa (NPPOSA) and designates an Executive Officer to oversee phytosanitary activities, providing the necessary structure and authority to implement the Act effectively. Additionally, the Act reinforces intellectual property protections for new plant varieties, supporting plant breeders' rights and patented genetically engineered (GE) crops by preventing unauthorized distribution. It also



empowers intellectual property (IP) enforcement, which is crucial for seed companies, biotech firms, and agricultural researchers investing in proprietary plant varieties.

### **Fruit Quality Inspection and Cold Chain Management**

Fruit quality certifications and cold chain management services for producers and exporters are conducted by the Perishable Products Export Control Board (PPECB), which is a state-owned entity. PPECB performs cold chain services under the authority of the [Perishable Products Export Control Act \(PPEC Act\) of 1983](#). The board also performs inspection and food safety services for certain agricultural products under the [Agricultural Product Standards Act of 1990](#).

## **SECTION VI: OTHER REQUIREMENTS, REGULATIONS, AND REGISTRATION MEASURES**

### **Facility Registration**

According to the [Meat Safety Act \(Act 40 of 2000\)](#), imports of animals and animal products into South Africa can only be sourced from certified deboning plants and abattoirs. Before exporting, U.S. facilities must be registered and certified with the USDA's Food Safety and Inspection Service (FSIS). Detailed procedures for facility registration are available on the [FSIS website](#). Once registered with FSIS, U.S. facilities are listed in the approved South African database, making their products eligible for import licenses, provided they meet the necessary requirements. The list of approved deboning factories and permitted abattoirs, along with the registration procedure and forms, can be downloaded from the DoA website. The cost of ensuring that the facility is registered falls on the U.S. exporter or facility owner. A facility needs to register only once but may be subject to audits and inspections.

Links to the steps and information for registering plant and plant-product facilities, as described by DoA, are provided in Table 10. Certificates issued by USDA's Animal and Plant Health Inspection Service (APHIS) are accepted in South Africa. The [APHIS website](#) provides information on facility registration, costs, procedures, and export requirements for American exporters and facilities.

**Table 10:** *Facility and Product Registration Requirements in South Africa*

<b>Facility or Product</b>	<b>Website link</b>
Application for registration of premises: Nurseries	<a href="#">Download</a>
Application for registration of premises: Seed Production	<a href="#">Download</a>
Application for registration of premises: Laboratories	<a href="#">Download</a>

**Source:** Department of Agriculture

## **Guidelines for the Sampling, Handling, and Transportation of Meat Products**

In 2021, the DoA published a document entitled “Guidelines for the Sampling, Transportation, and Handling of Samples for the Microbiological Monitoring of Meat.” These guidelines fall under the legislative mandate of the Meat Safety Act, 2000 ([\(Act 40 of 2000\)](#)), which provides measures to promote meat safety and the safety of animal products. The purpose of the guidelines is to provide guidance on good practices on sample collection, transportation, and handling at the cold stores and upon arrival at laboratories. Establishments must have procedures and sampling plans. The standard procedures apply to abattoirs, importers, and export cold stores, cutting, deboning, and processing plants linked to an export abattoir (also see GAIN report [South Africa Updates Guidelines of the Sampling, Handling and Transportation of Meat](#)).

The new guidelines are an extension of the Standards Operation Procedure (SOP) for Microbiological Monitoring of imported meat that was published in 2011. While the 2011 Guidelines applied only to imported meats, the 2021 guidelines attempt to standardize sampling practices across all meat and poultry in South Africa.

## **Imports of Genetically Engineered Products**

South Africa is among the top 10 global producers of GE crops and has approved numerous GE plant events, including corn, soybeans, and cotton for commercial cultivation after implementation of its [Genetically Modified Organism \(GMO\) Act in 1997](#). South Africa also allows for the importation of GE crops. However, according to the GMO Act, the list of GE events cultivated in an exporting country must be synchronized with the GE crops that have been approved by the South African regulators for food and feed purposes (see also [Commodity Clearance Approvals](#)). Citing the precise regulatory procedures from the GMO Act: “*Import permits are issued for the import of GE consignments, irrespective of the crop and country, provided the exporting country has approved the same or less number and type of events as South Africa.*” These asynchronous approvals can pose significant risks to trade since South Africa applies zero tolerance for unintentional presence of GE events in food and feed imports.

Synchronizing inter-country GE lists can be a complex process as commodities mostly consist of GE stacked events. South Africa requires separate approval for GE events that combine two or more traits even if the individual traits have already been approved. FAS/Pretoria and stakeholders in the South African grain and oilseeds industry continue to monitor for asynchronous GE approvals to ensure trade between South Africa and the United States is not unnecessarily interrupted.

## **Plant Breeders Right**

Plant and propagating material must be registered to receive a “plant breeders right” permit, valid for either 25 years (for vines and trees) or 20 years (all other cases) according to the [Plant Breeders Right Act](#). An agent residing in South Africa shall submit the application for a plant breeders right permit on behalf of the international intellectual property owner. For additional information concerning application procedure please refer to following resource site: [Genetic Resources](#).

## **Inspections and Testing**

Agricultural inspections were one of many government duties transferred to the new [Border Management Authority](#). However, DoA will continue to create inspection guidelines. Please see FAS/Pretoria's [GAIN report](#) for further details on BMA and the transfer of inspection duties.

If inspectors determine that the shipment meets the import requirements, the BMA inspectors will release the products. Once the consignment has been released by the inspectors, the importer/agent must take the import documents to the South African Revenue Service (SARS) for final release. However, if the shipment does not meet the import requirements, risk management measures will be recommended. The shipment may be treated and cleared to enter South Africa or rejected and refused entry. If the shipment has been rejected, the importer, together with the exporter, may decide whether the product should be destroyed, returned to the country of origin, or re-routed to another country. Note that a shipment re-routed to another country must meet import requirements for that country.

## **Basic Certification and Documentation that Must Accompany Shipments**

All exports entering South Africa must be supported by the following fundamental documents in addition to the import licenses, certificates, and sanitary and phytosanitary licenses listed in the FAIRS Export Certificate Report:

- Commercial invoice that shows the price charged to the importer in addition to the cost of placing goods on board of the ship for export.
- Bill of entry documentation that provides the correct physical addresses of the supplier and storage facilities, quantities, grades, and HS codes of commodities.
- Bill of lading.
- Insurance documents.
- Other special documentation and certifications that may be required by the importer, e.g., laboratory results/certificates from approved/accredited establishments or organic certifications if the product claims to be organic.

## **SECTION VII: OTHER SPECIFIC STANDARDS/LAWS**

### **Popcorn**

On January 24, 2025, the DoA notified FAS/Pretoria that microwave popcorn packages from the United States will no longer require phytosanitary measures or phytosanitary certification. Since 2022, importers of microwave popcorn had been required to either submit a phytosanitary certificate from the exporting government or have the popcorn tested. As microwave popcorn is considered a processed product and ineligible for certification under the Animal and Plant Health Inspection Service (APHIS), the South African market for U.S. microwave popcorn was effectively closed. Following extensive FAS/Pretoria involvement, the decision in January 2025 reopens the market for U.S. microwave popcorn.

## Other Specific Standards

Table 11 below provides information about other laws, regulations, or ordinances governing imported foods not covered in other sections of this report.

*Table 11: Other Specific Standards*

<b><u>Name of Regulation</u></b>	<b><u>Department</u></b>	<b><u>Website</u></b>
<b>Fortification and other Nutritional Issues</b>		
• Regulations relating to trans-fats in foodstuffs	DoH	<a href="#">Download</a>
• Regulations relating to the reduction of sodium	DoH	<a href="#">Download</a>
• Regulations relating to food-grade salt	DoH	<a href="#">Download</a>
• Regulations relating to the fortification of certain foodstuffs	DoH	<a href="#">Download</a>
<b>Hazard Analysis and Critical Control Points (HACCP)</b>		
• Regulations relating to the application of the Hazard Analysis and Critical Control Point System (HACCP System)	DoH	<a href="#">Download</a> <a href="#">Download (amendment)</a> <a href="#">Download (amendment)</a>
<b>Hygiene</b>		
• Guidelines for monitoring irradiated foodstuffs in South Africa	DoH	<a href="#">Download</a>
• Regulations relating to irradiated foodstuffs	DoH	<a href="#">Download</a>
• Regulations governing hygiene requirements for food premises and the transport of food	DoH	<a href="#">Download</a>
• Regulations relating to milking sheds and the transport of milk	DoH	<a href="#">Download</a>
• Regulations regarding processed foodstuffs	DoH	<a href="#">Download</a>
• Regulations relating to perishable foodstuffs	DoH	<a href="#">Download</a>
<b>Microbiological Standards</b>		
• Regulations governing microbiological standards for foodstuffs	DoH	<a href="#">Download</a>
• Regulations relating to milk and dairy products	DoH	<a href="#">Download</a> <a href="#">Download (amendment)</a> <a href="#">Download (amendment)</a>
<b>Prohibitions</b>		
• Regulations relating to the prohibition of polycarbonate infant feeding bottles containing bisphenol A (BPA)	DoH	<a href="#">Download</a>
<b>Veterinary Procedural Notices</b>		
• Notice for buffalo disease risk management in South Africa	DoA	<a href="#">Download</a>
• Other veterinary procedural notices	DoA	<a href="#">Download</a>

**Source:** Department of Health and Department of Agriculture

## **Wine, Beer, and Other Alcoholic Beverages**

DoA, DoH, and DTIC all play a part in enforcing laws controlling alcoholic beverages in South Africa. Under the [Liquor Products Act of 1989](#), DoA regulates the import and export of liquor products, including wine, by issuing certificates and ensuring that the quality standards are met. Import certificates are required for all alcoholic beverage products, and applications can be submitted through [DoA's website](#).

In March 2025, [amended regulations](#) under the Liquor Products Act, 1989 were published. The amendments are intended to align the regulations with the [Liquor Products Amendment Act, 2021](#), which came into force in August 2023. The latest amendments affect, among others, the sugar and alcohol content of an array of liquor products, the color, flavor and aroma of various liquor products, containers, packaging and labelling, the appeals process, and other miscellaneous matters related to liquor products.

Large-scale manufacture and distribution of alcoholic drinks are governed by the [National Liquor Act of 2003](#), which DTIC uses to determine national liquor standards, including the minimum drinking age. Firms must register with the National Liquor Authority. The DoH regulates the labeling and advertising of liquor products in accordance with regulations governing those activities.

## **Seafood and Canned Meat Products**

The [Food and Associated Industries Division](#) of the National Regulator for Compulsory Specifications (NRCS) regulates canned meat and meat products, canned fish, frozen fish, frozen marine mollusks, frozen rock lobsters, frozen shrimp/prawns, langoustines, crabs, smoked snoek, and live abalone. The division creates the rules and specifications for quality and composition, packaging and labeling, processing facilities, and those handling and processing the food products.

## **Plant-Based Meat/Dairy Alternatives**

Dairy substitutes and imitations are governed by the regulations relating to the Classification, Packing and Marking of Dairy Products and Imitation Dairy Products Intended for Sale in South Africa ([Regulation R1510](#)). Plant-based meat substitutes must adhere to the [Consumer Protection Act \(Act 68 of 2008\)](#) and [Regulations Relating to the Labeling and Advertising of Foodstuffs \(R.146/2010\)](#), despite the fact that there are no laws in South Africa specifically governing them. The regulations address vegetarian and vegan claims and other labeling requirements that products, including plant-based meat and dairy alternatives, must abide by.

In 2022, DoA prohibited the use of meat-like names when referring to plant-based alternatives. In a letter addressed to all processors, importers, and retailers of meat analogues, DoA clearly stated that South Africa's Food Safety Agency will seize any products that do not conform to this regulation. However, in 2024 a court's verdict overturned DoA's decision to seize all plant-based meat alternatives with meat-like names from the shelves, a ruling that allows names like "plant-based meat" or "veggie nuggets" to be used on plant-based products.

## Organic Food Certification and Regulations

Government certification programs for organic goods do not exist in South Africa. Regarding the management and sale of organic products, only draft legislation and standards exist. As the organic food industry is not governed by any specific national policy or law in South Africa, the South African Organic Sector Organization (SAOSO) established a [domestic voluntary Standard for Organic Production and Processing](#). SAOSO ([SAOSO website](#)) is the most well-known and active organization in the South African organic industry, and the group based their voluntary standard on the International Federation of Organic Agriculture Movements (IFOAM). However, neither the government of South Africa nor any foreign certification organizations accept the SAOSO standard as a necessary organic standard in South Africa.

Even though there are no laws in existence expressly for organic foods in South Africa, the production, processing, and labeling of organic products must adhere to the basic food rules set forth by the DoH Food Control Division and DoA. Therefore, the [rules relating to food labeling and promotion](#) applies to both imported and domestic organic items. Additionally, organic products must adhere to the many DoA rules outlined in the [Agricultural Product Standards \(APS Act\) of 1990](#) regarding quality, safety, grading, packing, and marking.

## Halal and Kosher Foods

In May 2024, the DoA published [draft regulations relating to the management control system in respect of the sale and export of certain agricultural products](#) for comments. The draft regulations include additional requirements for documentation to support label claims for imported food products. The aim of the regulations is to require producers of both domestic and imported food to substantiate the control management system under which they claim their products were produced. A framework will be developed that will contain protocols of the control management system, which is defined within the draft regulation as “means of production that may be claimed through the use of a name, word, expression, reference, particulars, or indication in any manner, either by itself or in conjunction with any other verbal, written, printed, illustrated or visual material”. These control management systems include kosher, halal and organic products. The specific requirements for exported products that make claims under one of these defined management control systems remain unclear. The DoA is currently reviewing the feedback received on the draft regulations during the domestic comment period, which closed on June 21, 2024. There is no indication when the proposed regulation will come into effect (also refer to FAS/Pretoria GAIN report [New Requirements Expected for Kosher, Halal, and Organic Food Products](#)).

Halal and Kosher products are currently not subject to any official rules in South Africa. According to the Consumer Protection Act, Halal products must adhere to the most recent labeling requirements set forth by DoH and may not contain any misleading information. Where there are Halal or Kosher claims, suitable substantiation from reputable bodies may be requested at the port of entry. There are several voluntary organizations including the [National Independent Halal Trust](#), [South African National Halal Authority](#) and [Kosher SA](#) which are responsible for the domestic certification in South Africa.



## **Product Samples and Mail Order Shipments**

The same registration, certification, testing, and inspection requirements that apply to regular shipments do not apply to samples of most products. To avoid paying import taxes, the importer might need to register with the South African Revenue Service. American exporters should get in touch with the FAS Office in Pretoria to find out if their sample goods will be exempt from regular procedures.

## **Health Messages on Alcoholic Beverage Labels**

Since 2007, South Africa has required health warnings on alcoholic beverages. According to the regulations, the warning needs to be visible and not affected by any other matter, on a devoted space and at least 1/8 of the total label size, be in black on a white background and contain one of the defined messages:

- Alcohol reduces driving ability, don't drink and drive.
- Don't drink and walk on the road, you may be killed.
- Alcohol increases your risk to personal injuries.
- Alcohol is a major cause of violence and crime.
- Alcohol abuse is dangerous to your health.
- Alcohol is addictive.

DoH published regulations regarding health warnings on alcoholic beverage labels in December 2017. However, DoH withdrew this regulation in 2020 ([See Post's GAIN report](#)). Both domestic and foreign players had voiced strong opposition to the regulation. The main concerns about the regulation included the lack of clarity regarding the definition of a container, challenges to comply with the regulation, increased costs for manufacturers, uncertainty regarding how DoH would enforce compliance, and a lack of evidence regarding the efficacy of changing health labels to reduce alcohol abuse.

FAS/Pretoria expects that updated regulations will be proposed again in the future. Therefore, before exporting to South Africa, it would be prudent to verify whether anything has changed or been modified.

## **SECTION VIII: GEOGRAPHICAL INDICATIONS, TRADEMARKS, BRAND NAMES, AND INTELLECTUAL PROPERTY RIGHTS**

### **Geographical Indications**

South Africa has embraced the concept of Geographical Indications (GI) to protect and promote its unique agricultural products, wines, and other goods. The country's GI system is designed to ensure that only products genuinely originating from a specific region are allowed to use the name of that region, for example:

**Wine Regions:** South Africa is globally recognized for its wine production, with several regions holding GI status. The Stellenbosch, Paarl, and Franschhoek regions are particularly famous for

their high-quality wines. The GI status helps in maintaining the reputation of these wines and ensures that consumers receive authentic products.

**Rooibos Tea:** Rooibos tea, an herbal tea unique to South Africa, is another product with GI status. Grown in the Cederberg region, Rooibos tea is known for its distinctive flavor and health benefits. The GI status protects the name "Rooibos" and ensures that only tea produced in this specific region can be marketed under this name. The Rooibos plant is extremely challenging to grow outside of South Africa due to its difficult growing and harvesting requirements. The designation does not adversely impact U.S. products.

**Karoo Lamb:** Karoo Lamb is a premium meat product that comes from sheep raised in the Karoo region. The unique vegetation of the Karoo imparts a distinct flavor to the meat, making it highly sought after. The GI status of Karoo Lamb helps in preserving traditional farming practices and supports the local economy.

South Africa does not have a specific law solely focused on GI but instead utilizes existing statutes to protect them. The primary legislation governing GIs includes:

- [Agricultural Product Standard Act, 1990](#): This act regulates the quality and standards of agricultural products, including those with GIs. It helps in maintaining the integrity and reputation of South African agricultural products in the domestic and international markets. South African GIs can be registered under the Agricultural Products Standards Act, and this registration provides protection against unauthorized use.
- [Trademarks Act, 1993](#): This act provides for the registration of GIs as certification marks. It ensures that only products meeting specific standards and originating from a designated geographical area can use the GI label.
- [Merchandise Marks Act, 1941](#): This act prohibits the use of false trade descriptions, including misleading geographical indications. It helps in preventing the misuse of GIs and protects consumers from deceptive practices.
- [Liquor Products Act, 1989](#): This act specifically addresses the wine industry, providing for the designation of wine regions and the protection of wine-related GIs. It ensures that only wines produced in accordance with the specified standards can bear the regional names.

South Africa is also a party to several international agreements that support the protection of Geographical Indications:

- **The Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS):** As a member of the World Trade Organization (WTO), South Africa is committed to the TRIPS Agreement, which sets minimum standards for the protection of GIs and other forms of intellectual property.
- **The Economic Partnership Agreement (EPA) with the European Union (EU):** This agreement includes provisions for the mutual recognition and protection of GIs. It allows South African products with GI status to be protected in the EU market and vice versa, enhancing trade opportunities and market access.



- **The African Continental Free Trade Area (AfCFTA):** South Africa is a signatory to the AfCFTA, which aims to create a single continental market for goods and services. The agreement includes provisions for the protection of intellectual property rights, including GIs, fostering regional cooperation and economic integration.

## **Trademarks, Brand Names, and Intellectual Property Rights**

The registration and upkeep of specific intellectual property rights (IPR) (including trademarks, patents, designs, and copyright) are handled by DTIC's, Companies and Intellectual Property Commission (CIPC): Patents, Designs, and Innovation Division. Several laws and regulations protect IP rights and give the registered owner the ability to have those rights upheld in court. In South Africa, any challenge to IPR may be pursued through an independent judiciary. [The Patents Act of 1978](#) allows for the registration of patents, which have a 20-year lifespan. For definitions, examples, and procedures for registering patents, visit the [CIPC website](#). Trademarks can be registered under the [Trademarks Act of 1993](#), are granted for 10 years, and may be renewed for an additional 10 years. To view definitions, examples, and processes for registering trademarks, visit the [CIPC website](#). New designs can be registered under the [Designs Act of 1993](#), which grants protection for aesthetic designs for a period of 15 years and for functional designs for a period of 10 years. The [CIPC website](#) offers definitions, examples, and procedures for design registrations. The [Merchandise Marks Act](#) establishes rules for the marking of goods, coverings included in or sold with goods, and the use of specific words and symbols in commercial contexts. The CIPC offers thorough [procedures for enforcing your IP rights](#) under the act.

Other laws and regulations relevant to the IP rights of U.S. exporters of agricultural products include the [Plant Breeders Rights Act](#), [Genetically Modified Organisms Act](#) , and regulations governing geographical indications (discussed above).

## **SECTION IX: IMPORT PROCEDURES**

### **Import Application Forms and Procedures**

DoA regulates the procedures, application forms, and the legal framework governing the import of agricultural goods into South Africa for [plant](#) and [animal](#) products, including GE products, unlisted plant varieties, and veterinary import licenses.

All alcoholic beverages imported and marketed for sale in South Africa must have an import license. The inspection, sampling, and issue of import permits for alcoholic beverages fall within the purview of DoA. The liquor import certificate that was issued may be utilized again if the product's label, bottle size, composition, and other characteristics remain the same. Application forms, as well as, all necessary procedures can be found on [DoA's website](#).

## Exporter Registration with the South African Revenue Services

Companies and individuals must register with the South African Revenue Service ([SARS](#)) to import into or export from South Africa. Post advises exporters select a regionally registered agent to represent them. SARS also publishes the South African [customs schedule](#). The SARS customs branch offices at the ports of entry make tariff determinations, but an importer or customs broker may apply for a tariff determination in accordance with the [Customs Duty Act of 2014](#). The application must be accompanied by all clearance documents, product samples, and any explanatory manufacturer/supplier literature. The request will be sent to the SARS Tariff Division in Pretoria, where a decision will be made, and a final response will be sent to the applicant via the customs branch office.

Figure 3 outlines the basic procedures for importing agricultural products into South Africa. Detailed procedures, forms, and the respective authorities/agencies dealing with specific products can be downloaded from the links provided above and in Post's FAIRS Export Certificate Report.

**Figure 3:** Basic Procedures for Importing Food and Agricultural Products into South Africa

### **STEP 1: MARKET ACCESS ASSESSMENT**

*The U.S. exporter should assess and determine whether their agricultural or food product is permitted to enter South Africa. Some products require market access and facility registrations prior to being exported. U.S. agencies such as APHIS, FSIS, and FAS/Pretoria may be able to provide helpful information to U.S. exporters.*

### **STEP 2: FIND SOUTH AFRICA-BASED IMPORTER**

*The U.S. exporter should find a South Africa-based importer interested in buying their products. FAS/Pretoria may be able to assist U.S. exporters by connecting them to reputable importers and distributors. Trade shows are also a helpful resource for finding buyers.*

### **STEP 3: APPLY FOR IMPORT PERMIT**

*The importer must apply for an import permit from DoA. The South African importer and U.S. exporter must be registered with the South African Revenue Service (SARS) for customs and tax purposes. The importer must also be registered with the Companies and Intellectual Property Commission (CIPC).*

### **STEP 4: APPLY FOR PHYTOSANITARY OR HEALTH CERTIFICATE**

*The U.S. exporter should apply for any necessary phytosanitary permits and obtain the necessary documents or proof of compliance as stipulated by the import permit (e.g., meat imports are only permitted from accredited and registered foreign meat plants/facilities). Agencies involved in this step may include DoA, APHIS, FSIS, and the U.S. Food and Drug Administration.*

#### **STEP 5: SHIPMENT AND TRANSPORTATION OF PRODUCTS**

*The U.S. exporter and South African importer must ensure that all products comply with the shipment or transportation requirements specified in the import permit, health certificate, or agreed treatment protocols between the U.S. and South Africa. All required documentation must be in order before the shipment departs the United States.*

#### **STEP 6: PORT INSPECTIONS**

*Once the shipment arrives in South Africa, the products are inspected by BMA officials at the port of entry to ensure that they comply with the conditions stipulated on the import permit and health certificate and with relevant regulations governing classification, grading, marking, and packaging. DoH may also inspect the products to ensure compliance with food safety and labelling regulations.*

#### **STEP 7: CUSTOMS CLEARANCE**

*SARS inspects the shipment to ensure that it complies with the correct HS-code declaration, checks that the shipment has all the correct documentation, and that the relevant customs duty and taxes are paid. Normally, the South African importer will handle all the customs processes and queries.*

#### **STEP 8: RELEASE OR DETAINMENT OF SHIPMENT**

*Once DoA, BMA, DoH, and SARS are satisfied that all import requirements are met by the shipment, it is released. However, should there be compliance issues, communication is sent to the relevant importer or agency handling the shipment. FAS/Pretoria may be able to assist U.S. exporters whose shipments have been detained.*

Sources: DoA, DoH, SARS, BMA, APHIS, FSIS, and FDA

### **SECTION X: TRADE FACILITATION**

South Africa is a signatory to the WTO Trade Facilitation Agreement, which aims to expedite the movement, release, and clearance of goods across borders. The South African Revenue Service (SARS) is responsible for customs administration in South Africa. They implement customs policies, collect duties, and ensure compliance with trade regulations. SARS has been rolling out the New Customs Acts Program, to modernize and streamline customs processes, improve compliance, and enhance trade facilitation. In October 2021, SARS improved the [Customs and Excise Act](#) to bring it in line with the World Customs Organization's Harmonized System. To confirm the codes for the goods that are being imported, traders are advised to visit the [WCO website](#) and the [SARS website](#).

South Africa provides advanced rulings for all the commodities on HS-code classification, tariff determinations, customs value, and labelling compliance. Applicants must apply for a tariff determination through their customs broker/clearing agent to the customs branch office at the intended port of entry where the goods are to be cleared or have already been cleared for importation. The application must conform to the terms of the [Customs Duty Act of 2014](#) and the World Customs Organization's explanatory notes. The application must be supported by manufacturer's/supplier's literature, all clearing documents, and a sample of the products if available. The application will be forwarded to the SARS Tariff Division in Pretoria for a determination to be made and ultimate reply to the applicant via the customs branch office. Details on applying for advanced rulings and tariff determinations may be found on the SARS website ([advanced rulings and tariff determinations](#)). While advance rulings are helpful in expediting the clearance of products at the ports, the final release of the products is subject to the approval of inspectors and customs officials at the port of entry who may detain shipments for other specific reasons.

The importer or trader in South Africa is responsible for all costs at the port of entry, including customs duties, applicable taxes, storage, and ad hoc costs relating to disposal, removal, or rerouting of shipments, including costs incurred by the South African government or agencies to monitor the action taken. Under normal circumstances, average release times range from seven to 14 days depending on demurrage free time from the date the vessel completes discharge, as well as the type of port of entry and the level of congestion. Product release times at airports are typically between one to five days. It is estimated that about 90 percent of cargo is generally cleared within four days, and less than 10 percent of cargo is moved to bonded warehouses where the average stay is estimated at around seven to eight days. Free storage for transshipments is seven days.

Meat products and consumer-oriented products face the most delays. Meat products may face delays due to issues relating to certificates (e.g., authentication of certificates, errors on dates, etc.) or SPS-related problems (e.g., microbial issues/bacterial contamination, or faulty temperature controls during transit). Consumer-oriented products usually face delays due to incorrect HS-code declarations or non-compliant labelling.

Whilst the creation of a single window system is still some time away, SARS have started the process by laying down the fundamental building blocks in relation to its own procedures and those of partner agencies through the development of a Single Window Portal. A first-phase electronic inspection workflow was implemented in September 2023 with selected plant inspection importers to test the workflow. This restricted phase enables refinement of the process before a full launch can be implemented.

## **APPENDIX I: GOVERNMENT REGULATORY AGENCY CONTACTS**

### **USDA Foreign Agricultural Service (USDA/FAS)**

U.S. Embassy Pretoria

Postal address: P.O. Box 9536,

Pretoria,

South Africa,

0001

Tel: +27 12 431 4057

E-mail: [AgPretoria@usda.gov](mailto:AgPretoria@usda.gov)

Website: <https://www.usdasouthernafrica.org/>

### **USDA Animal and Plant Health Inspection Service (APHIS)**

U.S. Embassy Pretoria

Postal address: P.O. Box 9536

Pretoria,

South Africa,

0001

Tel: +27 12 431 4740

Website: <http://www.aphis.usda.gov>

### **Department of Agriculture (DoA)**

Postal address: Private Bag X250,

Pretoria,

0001

Tel: +27 12 319 6000

E-mail: [queries@nda.gov.za](mailto:queries@nda.gov.za) <mailto:>

Website: <https://www.nda.gov.za/>

### **Department of Health: Food Control Division (DoH)**

Postal address: Private Bag X828,

Pretoria,

0001

Tel: +27 12 395 8799

E-mail (Director): [Penny.Campbell@health.gov.za](mailto:Penny.Campbell@health.gov.za)

Website: <https://www.health.gov.za/food-control-home/>

### **Department of Trade, Industry and Competition (DTIC)**

Postal address: Private Bag X84,

Pretoria,

0001

Tel: +27 12 394 9500

E-mail: [contactus@thedtic.co.za](mailto:contactus@thedtic.co.za)

Website: <https://www.thedtic.gov.za/>

**South African Revenue Service (SARS)**

Postal address: Private Bag X923,

Pretoria,

0001

Tel: +27 12 422 4000

E-mail: [contactus@sars.gov.za](mailto:contactus@sars.gov.za)

Website: <https://www.sars.gov.za/>

**National Regulator for Compulsory Specifications (NRCS)**

Postal address: Private Bag X25,

Brooklyn.

0075

Tel: +27 12 482 8700

E-mail: [info@nrccs.org.za](mailto:info@nrccs.org.za)

Website: <https://www.nrccs.org.za/>

**South African Bureau of Standards (SABS)**

Postal address: Private Bag X191,

Pretoria,

0001

Tel: +27 861 277 227

E-mail: [info@sabs.co.za](mailto:info@sabs.co.za)

Website: <https://www.sabs.co.za/index.asp>

**APPENDIX II: OTHER IMPORT SPECIALIST CONTACTS****South African National Accreditation System (SANAS)**

Libertas Office Park

305 cnr Libertas and Highway Street,

Equestria, Pretoria,

0184

Tel: +27 (0) 12 740 8400

Website: <https://www.sanas.co.za/Pages/index.aspx>

**American Chamber of Commerce in South Africa (AmCham South Africa)**

P.O. Box 1132, 2041

Houghton, Johannesburg,

2041

Tel: +27 11 788 0265

E-mail: [amcham@amcham.co.za](mailto:amcham@amcham.co.za)

Website: <https://www.amcham.co.za/>

**Attachments:**

No Attachments