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Report Highlights:

All the sections of the report have been updated based on recent amendments to regulations, updated website links and to comply with the updated reporting instructions. The report includes an assessment of laws and import requirements for food and agricultural products. It is recommended that this report be read with the FAIRS – Export Certificate Report (<https://gain.fas.usda.gov/#/search>) for a comprehensive understanding of the South African regulations, standards and import requirements.

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Disclaimer

This report was prepared by the USDA - Foreign Agricultural Services in Pretoria, South Africa for U.S. exporters of domestic food and agricultural products. While every possible care was taken in the preparation of this report, 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, before any products are shipped.

FINAL IMPORT APPROVAL OF ANY PRODUCT IS SUBJECT TO THE IMPORTING COUNTRY'S RULES AND REGULATIONS AS INTERPRETED BY BORDER OFFICIALS AT THE TIME OF PRODUCT ENTRY.

Executive Summary

While South Africa is a net exporter of agricultural, fish and forestry products, it presents favorable opportunities for United States agriculture exports. South Africa imported US\$7.6 billion in agricultural and food products in 2019, which is 4 percent lower than in 2018. The major products imported were rice (US\$448 million), wheat (US\$438 million), chicken cuts and offal (US\$396 million), palm oil (US\$271 million), whiskies (US\$170 million) and corn (US\$103 million). In 2019, the United States exported US\$398 million of agricultural, fish and forestry products to South Africa, up by 12 percent from the previous fiscal year as shown in **Table 1**. Major products exported by the United States to South Africa included, poultry meat, planting seeds, feed and fodder, distilled spirits and tree nuts. Other major products imported by South Africa from the United States included wheat, dairy products and sorghum. Imports in 2020 are lagging due to the impact of COVID-19.

Table 1: South African Agriculture Imports from the United States and Global

	2015	2016	2017	2018	2019	2020*
SA Imports from the U.S. (US\$ Billion)	0.242	0.354	0.398	0.363	0.398	0.171
SA Imports from the World (US\$ Billion)	7.149	7.349	7.810	7.869	7.558	3.241
% U.S. Imports	3%	5%	5%	5%	5%	5%

*Import Figures up to July 2020

Source: Trade Data Monitor (TDM)

This report was prepared by the USDA - Foreign Agricultural Services in Pretoria, for U.S. exporters and policy makers, and relates to the legal and technical requirements for food and agricultural imports intended for human and animal consumption in South Africa. While every possible care was taken in the preparation of this report, information provided may not be completely verifiable either because policies may have changed since its preparation, or because clear and consistent information about these policies was not available. Most of the policies, regulations and procedures are available electronically on the respective government websites. However, it is highly recommended that U.S. exporters conduct their own additional research and verify the full set of import requirements with their South African importers, prior to any products being shipped.

SECTION I: FOOD LAWS

Regulatory Authorities and Key Responsibilities

The South African food and agricultural products import regulations are developed and administered by three ministries, namely, the Department of Agriculture, Land Reform and Rural Development (DALRRD), Department of Health (DOH) and Department of Trade, Industry and Competition (DTIC). In some instances, these ministries also appoint independent agencies to undertake specific regulatory functions. The responsibilities and related legislations of these ministries and associated agencies are presented in **Tables 2, 3 and 4**.

Table 2: Divisions of the Department of Agriculture, Land Reform and Rural Development

Division	Summary
Food Safety and Quality Assurance	<p><u>Key responsibilities</u></p> <ul style="list-style-type: none"> • Regulate the quality, standards and food safety of agricultural products and food producers. • Regulate the import, export and certifications of alcoholic products. • Appoint and oversee the following agencies: <ul style="list-style-type: none"> • <u>The Perishable Products Export Control Board (PPECB)</u>: to conduct inspections, certification and chain management for producers and exporters of perishable food products. • <u>South African Meat Industry Company</u>: classification and marking of meat intended for sale in South Africa. • <u>Product Control for Agriculture (PROKON)</u>: for potatoes intended for sale on the local market. <p><u>Legislation</u></p> <ul style="list-style-type: none"> • Click here to download the Agricultural Products Standards Act, 1990 (Act 119 of 1990). • Click here to download Local and Import Regulations • Click here to download the Liquor Product Act, (Act 60 of 1989).
Plant Health	<p><u>Key responsibilities</u></p> <ul style="list-style-type: none"> • Regulation of import and export of plants and plant products. • Regulation and enforcement of phytosanitary measures. • Registration and approval of facilities (Production Units (PUC), Pack houses (PHC) and Inspection Points) to enable the Agricultural Products Inspection Services (APIS) and PPECB to conduct inspections. • Serve as the National Plant Protection Contact Point (NPPCP). <p><u>Legislation</u></p> <ul style="list-style-type: none"> • Click here to download Plant Health and Regulations.
Plant Production	<p><u>Key responsibilities</u></p> <ul style="list-style-type: none"> • Develop and promote national policies, norms, standards, and guidelines to support sustainable production of grain crops, fruits, vegetable, industrial crops, ornamental crops and indigenous crops. • Regulate plant varieties and propagating material. • Regulate the importation of listed and unlisted varieties.

	<ul style="list-style-type: none"> • Registration of premises for seeds, nurseries, and laboratories for seed testing and production. <p><u>Legislation</u></p> <ul style="list-style-type: none"> • Click here to download Plant Health Regulations and Policies. • Click here to download the Plant Improvement Act, No 53 of 1976. • Click here to download the Varietal Listing. • Click here to download the Procedures for the Registration of Premises. • Click here to download the Regulations and Guidelines for Importing Unlisted Varieties.
Animal Health	<p><u>Key responsibilities</u></p> <ul style="list-style-type: none"> • Promote awareness of, prevent and control animal diseases. • Formulate policy and reduce risks in the import and export of animals and animal products. • Render epidemiological services for early warning and monitoring of animal diseases. <p><u>Legislation</u></p> <ul style="list-style-type: none"> • Click here to download the Animal Diseases Act No. 35 of 1984 • Click here to download the Meat Safety Act No.40 of 2000 • Click here to download the Animal Identification Act No. 6 of 2002 • Click here to download the Veterinary and Para-Veterinary Professions Act • Click here to download the Fertilizers, Farm Feeds, Agricultural Remedies and Stock Remedies Act, 1947 (Act no. 36 of 1984) • Click here to download the Regulations and Guidelines for Importing Animals and Animal Products.
Genetic Resources	<p><u>Key responsibilities</u></p> <ul style="list-style-type: none"> • Develop and implement policies, legislations, strategies and standards on the management of genetic resources for food and agriculture. • Regulate and promote the availability of propagating material of genetic resources for food and agriculture. <p><u>Legislation</u></p> <ul style="list-style-type: none"> • Click here to download The Plant Breeders' Rights Act. 1976 • Click here to download the Genetically Modified Organisms Act, 1997.
Inspection Services	<p><u>Key responsibilities</u></p> <ul style="list-style-type: none"> • Render risk management inspection/auditing services at official ports of entry points. • Provide national plant quarantine and diagnostic services. • Render animal quarantine and inspection services. <p><u>Legislation</u></p> <ul style="list-style-type: none"> • Click here to download the Regulations Applicable to the Agricultural Products Inspection Services

Agriculture Inputs Control	<p><u>Key responsibilities</u></p> <ul style="list-style-type: none"> Regulates the manufacturing, distribution, importation, sale, use and advertisement of fertilizers, animal feeds, pesticides, stock remedies as well as the operation of sterilizing plants and pest control operators. <p><u>Legislation</u></p> <ul style="list-style-type: none"> Click here to download Policies and Regulations Relating to Agricultural Inputs
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Source: Department of Agriculture, Land Reform and Rural Development

Table 3: Department of Health

Division	Summary
Food Control Division	<p><u>Key responsibilities</u></p> <ul style="list-style-type: none"> Develop food legislation and regulations related to food safety, food labelling, and advertisement. Audit and support Port Health Services, and Municipal Health Services. Evaluate risk assessments related to agricultural chemicals and food produced through biotechnology for DALRRD. Act as South Africa’s National Contact Point for the joint FAO/WHO Codex Alimentarius Commission; International Food Safety Authorities Network (INFOSAN) and the European Union Rapid Alert System for Food and Feed (RASFF). <p><u>Website Link</u></p> <ul style="list-style-type: none"> http://www.health.gov.za/index.php/shortcodes/2015-03-29-10-42-47/2015-04-30-09-10-23/2015-04-30-09-11-35 <p><u>Legislation Link</u></p> <ul style="list-style-type: none"> Click here to download the Foodstuffs, Disinfectants and Cosmetics Act 54 of 1972 Click here to download Food Regulations.

Source: Department of Health

Table 4: Agencies under the Department of Trade, Industry and Competition

Agency	Summary
The National Regulator for Compulsory Specification (NRCS)	<p><u>Key responsibilities</u></p> <ul style="list-style-type: none"> Enforces and sets standard specifications for both locally produced and imported seafood, and canned meat and fish products. <p><u>Legislation</u></p> <ul style="list-style-type: none"> Click here to download the National Regulator for Compulsory Specifications Act, 2008. Click here to download the Compulsory specifications for seafood and canned fish products. Click here to download the Consumer Protection Act, 2008
National Liquor Authority (NLA)	<p><u>Key responsibilities</u></p> <ul style="list-style-type: none"> Registration and inspection services of macro-manufacturers and distributors of liquor. Develop and enforces National Liquor laws, e.g. Minimum drinking age.

	<ul style="list-style-type: none"> Regulating the macro manufacturing and distribution tiers of the liquor industry by registering macro manufacturers and distributors of liquor to trade. <p>Legislation</p> <ul style="list-style-type: none"> Click here to down the Liquor Act, No. 59 of 2003 Click here to download the Regulations for the registration of liquor manufacturers and distributors and related matters.
South African Bureau of Standards (SABS)	<p>Key responsibilities</p> <ul style="list-style-type: none"> Development, promotion and maintenance of independent food standards and quality systems. Food Product testing. Certification, auditing and assessment services for food and beverage processes, equipment, accessories, services and standards. Serve as South Africa's WTO/TBT Point of Contact. <p>Legislation</p> <ul style="list-style-type: none"> Click here to download the Standards Act, 2008 (Act No. 5 of 2008) Click here to download Food and Beverages Standards.
Companies and Intellectual Property Commission (CIPC) – Patents, Designs and Innovation Division	<p>Key responsibilities</p> <p>Registration and enforcement of Intellectual Property Rights (trademarks, patents, designs and copyright).</p> <p>Legislation</p> <ul style="list-style-type: none"> Click here to download the Patent Act, 1978 Click here to download the Trade Marks Act No 194 of 1993 Click here to download the Merchandise Marks Act 17 of 1941 Click here to download the Designs Act, 1983 Click here to download the Copyright Act, 1978

Source: Department of Trade, Industry and Competition

Enforcement of Food Regulations

The South African food and agricultural import regulations and standards are administered and enforced by three ministries and their associated agencies. A number of coordination mechanisms have been established, e.g. there are several Inter-Ministerial Committees comprising of all the key government officials responsible for implementing certain regulations. However, there are still challenges caused by this fragmentation of control, lack of coordination when implementing regulations and capacity constraints to ensure compliance. These challenges often result in the inconsistent application and implementation of regulations, affecting both domestic and imported food products. Although South Africa faces challenges in the enforcement of domestic regulations, imported agricultural products have to strictly adhere to these regulations as there are inspections undertaken at the ports of entry.

The Food Control Division under the DOH is responsible for drafting regulations and assigns the enforcement of compliance with all foodstuff's regulations to local municipalities and food health inspectors at the port of entry. The challenge with this approach is that some municipalities do not have adequate budgets and capacity to ensure the effective enforcement of all the food regulations. As a result, many small to medium domestic businesses operate under the radar, while the larger businesses

self-regulate. According to Post contacts and media reports, DALRRD also faces staffing challenges to enforce some of its regulations.

The National Regulator for Compulsory Specification (NRCS) and the South African Bureau of Standards (SABS) of the DTIC place food inspectors alongside the DOH and DALRRD inspectors to examine both locally manufactured and imported seafood and canned fish products. The NRCS issues quality and compliance health certificates for seafood products in terms of the Foodstuff Cosmetic and Disinfectants Act. The DTIC also faces challenges to enforce some of its proposed regulations. For example, the mandatory labeling of GMO's regulations were pulled back due to the controversy and criticism it received as well as concerns regarding widespread industry non-compliance.

SECTION II: LABELING REQUIREMENTS:

Existing Labelling Regulations

Processed foodstuffs and liquor labeling regulations are mainly developed and enforced by the Food Control Division of the Ministry of Health. Inspectors under the MOH at the ports of entry are responsible for ensuring compliance with labeling regulations. According to the current labelling regulations it is not mandatory to include nutritional information tables on labels. However, should a label contain nutritional information it has to comply with the existing labeling regulations as shown in **Table 5**. Labeling regulations for animal products, agronomy/crops, vegetables, fruits and processed vegetable/fruit products are enforced by the DALRRD under the packaging and container regulations described and discussed in **Section III** and listed in **Table 7**.

Table 5: Existing Labeling Regulations

Name of Regulation	Website Link
Regulations relating to labeling and advertising of foodstuffs: Amendment (R45/2012)	Download
Regulations relating to the labeling and advertising of foodstuffs (R146/2010)	Download
Guidelines relating to the labeling and advertising of foodstuffs (applicable to R146/2010 for compliance purposes)	Download
Regulations relating to the labeling of foodstuffs obtained through certain techniques of genetic modification (R25/2004)	Download
Regulations relating to Foodstuffs for Infants and Young Children: Extension Notice (R433/2014) and Amendment (R434/2013)	Download
Regulations relating to foodstuffs for infants and young children (R991/2013)	Download
Regulations relating to Health messages on container labels of Alcoholic beverages: Amendment (R1208/2008)	Download
Regulations relating to Health messages on container labels of Alcoholic beverages (R764/2007)	Download

Source: Department of Health: Food Control Division

The Guidelines relating to the labeling and advertising of foodstuffs ([Download](#)) and Regulations relating to the labeling and advertising of foodstuffs ([Download](#)) provides a comprehensive list of terminology that is required, not permitted, and how certain language and comparative claims may be used on food labels. South Africa also provides conditions and the mandatory information declarations when a nutrient, health or any other claim is made on the label. For example, the label may only use the nutrient content claim such as low in saturated fat when the fat content is not more than 1.5g per 100 g for solids; 0.75g per 100 ml for liquids; and not 10 percent of energy. Absolute descriptors such as high fiber or low-fat and the use of relative descriptors such as “less,” “fewer,” “reduced,” “light,” or “more” are permissible if they comply with all the prescribed conditions. Notably, comparative claims such as “more than”, “increased” or other similar wordings are prohibited on physiologically beneficial nutrients such as vitamins, minerals, bioflavonoids, carotenoids or other beneficial food constituents. Inspectors at the ports may request companies to provide supporting research, and test reports to prove any claims made, including U.S. approved health claims such as Sodium and Hypertension; Fruits and Vegetables and Cancer; Calcium and Osteoporosis. The current South African regulations do not address implied claims, and such claims are open to the interpretation of the inspector at the port of entry using guidelines on misleading claims.

It is mandatory for food products to declare the country of origin on the label, and there are specific criteria that apply on how this must be labeled. If all the main ingredients, processing and labor used to make the food product are from one specific country, the label should say “Product of (name of country)”. When a foodstuff is processed in a second country which changes its nature, the label should say “Produced in” or “Processed in”, or “Manufactured in”, or “Made in”. The words “Packed in (name of county)” may be used in addition to the previous requirements. All food products must have the shelf-life on the label, using appropriate words such as ‘best before’ or ‘use by’ or “sell by”. The Regulations relating to the labeling and advertising of foodstuffs ([Download](#)) under the authority of the Department of Health has a list and conditions of exemptions to the labeling law.

United States food labels face challenges in complying with the current South African food labeling regulations for two main reasons. Firstly, South African regulations require that labels use the wording “Typical Nutritional Information”, while U.S labels use the wording “Nutritional Facts”. Secondly, South African regulations only permit the use kilojoules (kJ) in food labels, while U.S food labels use Calories. South African importers and regulators prefer that correct labeling must be applied prior to export. Notably, South Africa permits importers to cover non-complying labels with a white sticker or stick-on labels when such shipments are intercepted at the port of entry. Non-complying products are not released at the ports of entry unless a corrective action is undertaken. Importers have previously complained that such an exercise is too expensive, and the main retailers/ supermarkets do not usually accept food products with covered labels as it raises unnecessary suspicions from consumers. **Table 6** shows the differences between a South African and United States food label.

Table 6: Differences between a South African Food Label and United States Food Label

SA Label	U.S. Label																																																																																																																		
 <p>INGREDIENTS White rice (75%), Wholegrain brown rice (18%), Flavouring (Milk solids [Whey Maltodextrin], Sugar, Cheese powder, Vegetable powder [Garlic, Onion, Tomato, Mushroom], Flavour enhancers, Sunflower seed, Anticaking agent, Antioxidant, TBHQ), regulator, Vegetable oil, Acidifier, seed, Antioxidant, TBHQ.</p> <p>VEGETARIAN WITH MILK</p> <p>ALLERGENS Cow's milk. Made in a factory which uses soya.</p> <p>TYPICAL NUTRITIONAL INFORMATION</p> <table border="1"> <thead> <tr> <th>Average values</th> <th>Per 100 g</th> <th>Per 30 g serving</th> </tr> </thead> <tbody> <tr> <td>Energy</td> <td>1711 kJ</td> <td>513 kJ</td> </tr> <tr> <td>Protein</td> <td>9.2 g</td> <td>2.8 g</td> </tr> <tr> <td>Carbohydrate</td> <td>74 g</td> <td>22 g</td> </tr> <tr> <td>of which total sugar</td> <td>2.5 g</td> <td>0.8 g</td> </tr> <tr> <td>Total fat</td> <td>7.3 g</td> <td>2.2 g</td> </tr> <tr> <td>of which saturated fat</td> <td>1.1 g</td> <td>0.3 g</td> </tr> <tr> <td>trans fat</td> <td>0.0 g</td> <td>0.0 g</td> </tr> <tr> <td>monounsaturated</td> <td>2.1 g</td> <td>0.6 g</td> </tr> <tr> <td>polyunsaturated</td> <td>4.1 g</td> <td>1.2 g</td> </tr> <tr> <td>Cholesterol</td> <td>0 mg</td> <td>0 mg</td> </tr> <tr> <td>Dietary fibre*</td> <td>3.1 g</td> <td>0.9 g</td> </tr> <tr> <td>Total sodium</td> <td>608 mg</td> <td>182 mg</td> </tr> </tbody> </table> <p>* Information for ready to eat product. #AOC 991.43</p> <p>STORE IN A COOL, DRY PLACE. ONCE OPENED, STORE IN AN AIRTIGHT CONTAINER.</p> <p>CONSUMER HELPLINE: 0860 022 002</p> <p>www.woolworths.co.za specially popped for Woolworths (Pty) Ltd., 93 Langmarket Street, Cape Town, South Africa PRODUCED IN THE REPUBLIC OF SOUTH AFRICA</p> <p>BALAJI S.A.R.M.A. The Mark Of Excellence S - 0732 MILCHIK BAG PLASTIC NOT RECYCLED CURRENTLY www.woolworths.co.za/recycle</p> <p>6 009184 186238 5 CTP flexibles</p>	Average values	Per 100 g	Per 30 g serving	Energy	1711 kJ	513 kJ	Protein	9.2 g	2.8 g	Carbohydrate	74 g	22 g	of which total sugar	2.5 g	0.8 g	Total fat	7.3 g	2.2 g	of which saturated fat	1.1 g	0.3 g	trans fat	0.0 g	0.0 g	monounsaturated	2.1 g	0.6 g	polyunsaturated	4.1 g	1.2 g	Cholesterol	0 mg	0 mg	Dietary fibre*	3.1 g	0.9 g	Total sodium	608 mg	182 mg	 <p>Nutrition Facts Serving Size 1/12 package (39g) Servings per Container 12</p> <table border="1"> <thead> <tr> <th>Amount Per Serving</th> <th>MIX* BAKED** †</th> <th>% Daily Value††</th> </tr> </thead> <tbody> <tr> <td>Calories</td> <td>160 230 180</td> <td></td> </tr> <tr> <td>Calories from Fat</td> <td>25 90 40</td> <td></td> </tr> <tr> <td>Total Fat 3g*, 10g**, 4.5g†</td> <td>5% 15% 7%</td> <td></td> </tr> <tr> <td>Saturated Fat 1g, 2.5g, 1.5g</td> <td>5% 13% 8%</td> <td></td> </tr> <tr> <td>Trans Fat 0g, 0g, 0g</td> <td></td> <td></td> </tr> <tr> <td>Polyunsaturated Fat 0.5g, 4.5g, 1g</td> <td></td> <td></td> </tr> <tr> <td>Monounsaturated Fat 1g, 2.5g, 1.5g</td> <td></td> <td></td> </tr> <tr> <td>Cholesterol 0mg, 55mg, 55mg</td> <td>0% 18% 18%</td> <td></td> </tr> <tr> <td>Sodium 250mg, 270mg, 270mg</td> <td>10% 11% 11%</td> <td></td> </tr> <tr> <td>Total Carbohydrate 31g, 31g, 32g</td> <td>10% 10% 11%</td> <td></td> </tr> <tr> <td>Dietary Fiber 0g, 0g, 0g</td> <td>0% 0% 0%</td> <td></td> </tr> <tr> <td>Sugars 17g, 18g, 18g</td> <td></td> <td></td> </tr> <tr> <td>Protein 1g, 3g, 3g</td> <td></td> <td></td> </tr> <tr> <td>Vitamin A</td> <td>0% 0% 0%</td> <td></td> </tr> <tr> <td>Vitamin C</td> <td>0% 0% 0%</td> <td></td> </tr> <tr> <td>Calcium</td> <td>8% 8% 8%</td> <td></td> </tr> <tr> <td>Iron</td> <td>8% 10% 10%</td> <td></td> </tr> </tbody> </table> <p>* Amount in 1/12 Mix ** Amount in 1/12 baked cake using Basic Recipe † Amount in 1/12 baked cake using Lower Fat Recipe †† Percent (%) Daily Values are based on a 2,000 calorie diet. Your daily values may be higher or lower based on your calorie needs:</p> <table border="1"> <thead> <tr> <th></th> <th>Calories: 2,000</th> <th>2,500</th> </tr> </thead> <tbody> <tr> <td>Total Fat</td> <td>Less than 65g</td> <td>80g</td> </tr> <tr> <td>Saturated Fat</td> <td>Less than 20g</td> <td>25g</td> </tr> <tr> <td>Cholesterol</td> <td>Less than 300mg</td> <td>300mg</td> </tr> <tr> <td>Sodium</td> <td>Less than 2,400mg</td> <td>2,400mg</td> </tr> <tr> <td>Total Carbohydrate</td> <td>300g</td> <td>375g</td> </tr> <tr> <td>Dietary Fiber</td> <td>25g</td> <td>30g</td> </tr> </tbody> </table> <p>Calories per gram: Fat 9 • Carbohydrates 4 • Protein 4</p> <p>INGREDIENTS SUGAR, ENRICHED BLEACHED WHEAT FLOUR (FLOUR, NIACIN, REDUCED IRON, THIAMINE MONONITRATE, RIBOFLAVIN, FOLIC ACID), VEGETABLE OIL, SHORTENING (PARTIALLY HYDROGENATED SOYBEAN OIL, PROPYLENE GLYCOL MONO- AND DIESTERS OF FATS, MONO- AND DIGLYCERIDES, PARTIALLY HYDROGENATED COCONUT OIL, SOY LECITHIN), LEAVENING (SODIUM BICARBONATE, D-CALCIUM PHOSPHATE, SODIUM ALUMINUM PHOSPHATE, MONOCALCIUM PHOSPHATE), CONTAINS 2% OR LESS OF: WHEAT STARCH, SALT, DEXTROSE, EMULSIFIER (PROPYLENE GLYCOL MONO- AND DIESTERS OF FATS AND FATTY ACIDS, MONO- AND DIGLYCERIDES, SOY LECITHIN, CITRIC ACID) TO PROTECT FLAVOR, ORANGE OIL, NATURAL FLAVOR, POLYGLYCEROL ESTERS OF FATTY ACIDS, CELLULOSE GUM, XANTHAN GUM, ARTIFICIAL FLAVOR, CITRIC ACID, COLORED WITH (YELLOW 5 LAKE, RED 40 LAKE), NATURAL AND ARTIFICIAL FLAVOR.</p> <p>CONTAINS: WHEAT, SOY MANUFACTURED ON EQUIPMENT THAT ALSO PROCESSES TREE NUTS.</p> <p>DISTRIBUTED BY: PINNACLE FOODS GROUP LLC CHERRY HILL, NJ 08003-3620 USA</p>	Amount Per Serving	MIX* BAKED** †	% Daily Value††	Calories	160 230 180		Calories from Fat	25 90 40		Total Fat 3g*, 10g**, 4.5g†	5% 15% 7%		Saturated Fat 1g, 2.5g, 1.5g	5% 13% 8%		Trans Fat 0g, 0g, 0g			Polyunsaturated Fat 0.5g, 4.5g, 1g			Monounsaturated Fat 1g, 2.5g, 1.5g			Cholesterol 0mg, 55mg, 55mg	0% 18% 18%		Sodium 250mg, 270mg, 270mg	10% 11% 11%		Total Carbohydrate 31g, 31g, 32g	10% 10% 11%		Dietary Fiber 0g, 0g, 0g	0% 0% 0%		Sugars 17g, 18g, 18g			Protein 1g, 3g, 3g			Vitamin A	0% 0% 0%		Vitamin C	0% 0% 0%		Calcium	8% 8% 8%		Iron	8% 10% 10%			Calories: 2,000	2,500	Total Fat	Less than 65g	80g	Saturated Fat	Less than 20g	25g	Cholesterol	Less than 300mg	300mg	Sodium	Less than 2,400mg	2,400mg	Total Carbohydrate	300g	375g	Dietary Fiber	25g	30g
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Proposed Amendments to the Regulations Relating to the Labeling and Advertising of Foods

On May 29, 2014, the MOH published a government notice inviting public comments on the proposed amendments to the regulations relating to the labeling and advertising of foods. The deadline for the submission of comments was August 29, 2014. [Click here to download the government notice](#). Post published a GAIN report in 2014 on the Amendments to the regulations relating to food labelling and advertising ([Click here to download the GAIN Report](#)). The proposed amendment generated a lot of interest and controversy. Post's contacts indicated that the DOH was under the impression that they had the buy in from industry and was surprised with the high number of comments submitted. The date for the finalization of the regulation is still uncertain and this will push back some of the compliance deadlines proposed in the regulation.

Figure 1 below provides clear guidance on "do's" and "don'ts" regarding the information provided on the labels and in advertisements of foodstuffs. The label also provides an example of what must appear on domestic and imported foodstuffs.

Figure 1: Example of the Requirements on Food Labels



- The following words may no longer appear on any food product: x% fat free, nutritious, healthy, healthful, wholesome, complete nutrition or balanced nutrition or other words implying the same thing. The words 'sugar-free' and 'fat-free' are only allowed if specific conditions are met.
- The words 'suitable for those with diabetes', 'diabetic friendly' or words with a similar meaning, may only be used if all criteria stipulated are met e.g., low GI, lower fat, controlled sodium, etc..

Source: <http://www.bdo.co.za/>

Proposed Amendment to the Regulations Relating to Health Messages on Container Labels of Alcohol Beverages

On September 4, 2014, the MOH proposed amendments to the regulations relating to health messages on container labels of alcohol beverages. The deadline for the submission of comments was December 4, 2014. [Click here to download the proposed amendment.](#) Post published a GAIN report in 2015 on the Regulation amendment on container labels of alcoholic beverages ([Click here to download the GAIN Report](#)). Following widespread industry comments, the MOH is re-engaging the domestic liquor industry to review the proposed regulations and concerns raised by industry. Post has attended a consultative meeting arranged by the DOH to discuss the concerns, and it was agreed that industry would make a submission offering solutions and alternative clauses to be included in the new regulations. The DOH stated that the revised regulations would be subject to approval by the Minister but seemed positive that they would consider changing or repealing the regulation depending on the

extent of changes that would be required. The date for the finalization and implantation of the regulation is still uncertain.

Proposed Regulation Relating to the Mandatory Labeling of Genetically Modified Organisms (GMOs) or Food Containing Genetically Modified (GM) Ingredients

South Africa permits the production of genetically modified crops through the Genetically Modified Organisms Act of 1997 ([Click here to download the Act](#)). For further information on the production of GM crops in South Africa refer to the following Post GAIN report published in 2019 on Biotechnology and other new production techniques ([Click here to download the GAIN Report](#)). GM labeling legislation has been in place since 2004 under the DOH Food Control Division ([Click here to download the labeling regulation](#)).

On April 1, 2011, under the Consumer Protection Act, the DTIC published the regulation titled Product Labeling and Trade Descriptions: Genetically Modified Organisms. The regulation proposed the mandatory requirement of the labeling of all foodstuffs containing 5 percent or more GMO content ([Click here to download the proposed GMO regulation](#)). Following wide criticism, lobbying and noncompliance by industry, the DTIC published a set of amended regulations on October 9, 2012 for further public comment ([Click here to download the amended regulation](#)). The deadline for public comments was initially set as November 8, 2012. However, the public comment period was re-opened until August 15, 2014, and the proposed regulation has still not been finalized and passed for implementation.

Amendments to Regulations Relating to Foodstuffs for Infants and Young Children

On July 7, 2015, the DOH published amendments to the regulations relating to foodstuffs for infants and young children, under the Foodstuffs, Cosmetics and Disinfectants Act, 1972 (Act 54 of 1972). The deadline for comments was October 7, 2015 ([Click here to download the amendments](#)). The key amendments relate to the labeling and distribution of infant and young children's food. The amendment also provides for the dates of implementation of the various clauses, which range from 6 to 24 months. The proposed regulation has still not been finalized and passed for implementation.

SECTION III: PACKAGING AND CONTAINER REGULATIONS

Existing Packaging and Container Regulations

Packaging and container regulations for various agricultural products are developed in terms of the Agricultural Products Standards Act and fall within the mandate of DALRRD. [Click here to download the Agricultural Products Standards Act, 1990 \(Act 119 of 1990\)](#). Packaging and container regulations for specific products can be obtained from the list of regulations in **Table 7**. These regulations specify the grading standards, classification of products, container marking requirements, labelling, packaging requirements and container sizes if applicable.

Table 7: Regulations Relating to the Grading, Classification, Packaging and Marking

Product	Regulation Link
Animal Products (Dairy and imitation dairy products; Eggs; Edible ices including ice cream, frozen dessert, yoghurt, fruit sorbet; Meat; Mohair; Poultry meat; Processed meat products)	https://www.dalrrd.gov.za/Branches/Agricultural-Production-Health-Food-Safety/Food-Safety-Quality-Assurance/Local-and-Import-Regulations/Animal-Products
Agronomy/ Crops (Canola; Dry beans; Ground nuts; Sorghum; Maize/Corn; Maize/Corn Products; Malting Barley; Popcorn Kernels; Pulses; Rice; Wheat, Sunflower; Soya bean; Wheat products)	https://www.dalrrd.gov.za/Branches/Agricultural-Production-Health-Food-Safety/Food-Safety-Quality-Assurance/Local-and-Import-Regulations
Vegetables (Potatoes; Tomatoes; Onions and shallots; Garlic; Other Vegetables)	https://www.dalrrd.gov.za/Branches/Agricultural-Production-Health-Food-Safety/Food-Safety-Quality-Assurance/Local-and-Import-Regulations/Vegetables-Local
Processed Products (Canned fruit; Canned mushroom; Canned pasta; Canned vegetables; Dehydrated vegetables; Dried fruit; Fat spreads; Vinegar; Table olives)	https://www.dalrrd.gov.za/Branches/Agricultural-Production-Health-Food-Safety/Food-Safety-Quality-Assurance/Local-and-Import-Regulations/Processed-products
Deciduous Fruits (Apples; Apricots; Grapes; Pears; Peaches & Nectarines; Plums & Prunes)	https://www.dalrrd.gov.za/Branches/Agricultural-Production-Health-Food-Safety/Food-Safety-Quality-Assurance/Local-and-Import-Regulations/Deciduous
Citrus and Subtropical Fruit (Avocados; Bananas; Citrus; Litchis; Pineapples)	https://www.dalrrd.gov.za/Branches/Agricultural-Production-Health-Food-Safety/Food-Safety-Quality-Assurance/Local-and-Import-Regulations/Citrus-Fruits
Other Fresh Fruit	https://www.dalrrd.gov.za/Branches/Agricultural-Production-Health-Food-Safety/Food-Safety-Quality-Assurance/Other-Fresh-Fruit

Source: DALRRD

In general, packaging and container regulations require that containers be intact, sealed properly, clean, moisture resistant, suitable and strong enough for the packing and normal handling of foodstuffs. In addition, containers should not pass any odor, taste, color or other foreign characteristics to the product during processing or distribution. There are regulations that ensure that all containers are free from any toxic substance, ingredient or any other substance liable to contaminate or spoil the food in the container. For example, South Africa prohibits the manufacture, import, export, and sale of polycarbonate infant feeding bottles containing Bisphenol A (BPA). Packaging made from natural materials and fibers must be accompanied by an official certificate stating that the material has been fumigated. Packaging material such as Polyvinyl Chloride (PVC) has to comply with standards and certifications set by the South African Bureau of Standards (SABS). [Click here to download the SABS packaging standards.](#) South Africa also accepts international standards including the British Retail Consortium (BRC) and FSSC Global Standards. There are no special Municipal Waste Disposal Laws or product recycling regulations which impact imported products.

SECTION IV: FOOD ADDITIVES REGULATIONS

Existing Food Additive Regulations

South African food additives regulations are developed and administered by the Ministry of Health, under the Food Control Division. This Division also serves as the Codex point of contact. Food additive regulations are developed and governed in line with the Foodstuffs, Cosmetics and Disinfectants Act no. 54 of 1972 ([Click here to download the Act](#)). **Table 8** shows the list of applicable additives regulations in South Africa, which contain a positive additive list (when only additives permitted for use in foodstuffs are allowed for use), and the foodstuffs in which these additives may be used. These regulations also specify the requirements on the use of additives including how they should be labelled. U.S. exporters may obtain the list of permitted additives from the following Ministry of Health website, [Additives regulations and lists](#).

Table 8: Existing Food Additives Regulations

Name of regulation	Website link
Regulations relating to the use of sweeteners in foodstuffs (R733/201)	Download
List of permissible sweeteners referred to in the regulations relating to the use of sweeteners in foodstuffs	Download
Codex General Standards for Food Additives	Download
Regulations – Preservatives and antioxidants: Amendment (R60/2009)	Download
Regulations – Preservatives and antioxidants: (R965/1977)	Download
Regulations relating to food colorants (R1055/1996)	Download
Miscellaneous additives in foodstuffs	Download

Source: Department of Health: Food Control Division

In the absence of a regulation pertaining to a specific additive, South Africa normally adopts the General Standard for Food Additives (GSFA) of the Codex Alimentarius Commission (CAC). If an additive is not available under the South African positive list or covered by Codex, an exporter may request for permission from the Department of Health to use such an additive. Notably, this may be a long process as the Department of Health may request supporting evidence that the additive is safe for consumption.

Amendments to the Miscellaneous Food Additives Regulations

On November 17, 2017, the Regulations relating to Miscellaneous Additives in Foodstuffs came into effect and apply to both domestic and imported foodstuffs. This regulation adopted the Codex recommendations for the maximum amount of additives which may be present in foodstuffs. In the absence of such specifications, South Africa is willing to accept appropriate levels developed by reputable national or international bodies. The DOH also focused on foodstuffs intended for infants and young children. The following regulations were also repealed and now fall under the Regulations relating to Miscellaneous Additives in Foodstuffs:

- The Regulations Relating to Anti- caking Agents and the Amounts thereof that may be used in Foodstuffs.
- The Regulations Governing Acids, Bases and Salts and the Amounts thereof that Foodstuffs may contain.

- The Regulations Governing Emulsifiers, Stabilizers and Thickeners and the amounts thereof the Foodstuffs may contain.
- The Regulations Governing the use of Certain Food Additives in Certain Wheaten and Rye Products.
- The Regulations Relating to Baking Powder and Chemical Leavening Substances.
- The Regulations Relating to Jam, Conserve, Marmalade and Jelly.
- The Regulations Governing the Additives and Amounts as well as Tolerances, for Certain Substances in Wine, other Fermented Beverages and Spirits.

SECTION V: PESTICIDES AND OTHER CONTAMINANTS

Existing Pesticides and Contaminants Regulations

The DOH and DALRRD are responsible for regulations pertaining to pesticides and other contaminants. The DOH is responsible for determining and approving the Maximum Residue Limits (MRLs) for pesticides, metals and other chemicals that may be present in foodstuffs. In addition, the DOH is also responsible for inspections, and ensuring compliance with MRLs in all domestic and imported foodstuffs. South Africa has a positive pesticide list. The existing Pesticides and veterinary drugs (MRLs) regulations published by the DOH are listed in **Table 9**.

Table 9: 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 (R46/2012, R548/2010, R1047/2006 & R246/1994).	Download
Regulations governing the maximum limits for veterinary medicine and stock remedy residues that may be present in foodstuffs (2017)	Download

Source: Department of Health: Food Control Division

DALRRD is responsible for the registrations, permits and usage of pesticides in agriculture production, and for ensuring that South African producers and exporters comply with the MRLs and only use chemical remedies registered in terms of The Fertilizers, Farm Feeds, Agricultural Remedies and Stock Remedies Act (Act No. 36 of 1947) on the specific crop. U.S exporters may obtain information on approved pesticides and allowed MRL on the following limit, <https://www.dalrrd.gov.za/Branches/Agricultural-Production-Health-Food-Safety/Food-Safety-Quality-Assurance/Maximum-Residue-Limits>. In the absence of regulations governing a specific pesticide and contaminant, South Africa defers to the CODEX standards.

Table 10: Existing Contaminants Regulations

Name of Regulation	Website Link
Regulations governing the tolerance for certain agricultural products	Download
Regulations relating to maximum levels of metals in foodstuffs	Download
Regulations governing tolerance for fungus-produced toxins in foodstuffs	Download
Regulations relating to objects packed in foodstuffs intended for children	Download
Regulations relating to maximum levels for melamine in foodstuffs	Download
Regulations relating to Marine Biotoxins	Download
Regulations governing certain solvents in foodstuffs	Download
Regulations relating to edible fats and oils	Download
Regulations governing radio activity in food stuffs	Download

Source: Department of Health: Food Control Division

Plant Health Phytosanitary Bill

On December 2, 2016, DALRRD published the final Plant Health (phytosanitary) Bill, whose purpose is to provide phytosanitary measures to prevent the introduction, establishment and spread of regulated pests in South Africa; to provide for the control of regulated pests; and to provide for regulation of the

movement of plants, plant products and other regulated articles into, within and out of South Africa. This Bill also gives effect to international agreements on phytosanitary matters which South Africa has ratified, and which became binding on the date the Bill entered into force. [Click here to download the Bill](#). An explanatory notice of the Bill was also published in 2017, [Click here to download the explanatory summary](#).

Draft Regulations Governing the Maximum Limits for Pesticide Residues that may be Present in Foodstuffs

On April 7, 2017, the DOH published a government notice (No. 40772) inviting the public to comment on the amendments to the regulations governing the maximum limits for pesticide residues that may be present in foodstuffs ([Click here to download the notice](#)). The key amendments to the regulation include the addition and revision of various maximum residue limits (MRLs), the prohibition of certain chemicals, regrouping of products and their respective MRLs, and the addition and removal of certain definitions. According to the DOH, the objective of the proposed amendments is to update the current list of MRLs, in respect of the products covered and their respective limits. A commenting period of three months was provided and the deadline for public comments was July 7, 2017. For further information on this proposed regulation refer to the following GAIN report published by Post in June 2019 on the Draft Regulations relating to maximum limits for pesticide residues ([Click here to download the GAIN Report](#)). The proposed regulation is still undergoing internal review process and has not been finalized or published.

Draft Regulations Relating to Maximum Levels of Metals in Foodstuffs

On September 6, 2016, the DOH published a government notice (No. 990) inviting the public to comment on the Draft Regulations relating to maximum levels of metals in foodstuffs ([Click here to download the notice](#)). According to the DOH, following the concerns and public comments received from several WTO members including the United States, the draft regulations had to be further amended and aligned with the latest relevant Codex standards. As a result, on May 18, 2017, the MOH sent out an email inviting further comments or inputs on the amended draft regulations. For further information on this proposed regulation refer to the following GAIN report published by Post in May 2019 on the Draft Regulations relating to maximum levels of metals in foodstuffs ([Click here to download the GAIN Report](#)). The proposed regulation is still to be finalized and published.

SECTION VI: OTHER REQUIREMENTS, REGULATIONS AND REGISTRATION MEASURES

Facility Registration

The DALRRD requires that the imports of animals and animal products be from approved abattoirs and de-boning plants in terms of the Meat Safety Act, (Act No 40 of 2000). United States facilities are required to be registered and certified with the Food Safety and Inspection Service (FSIS) in the United States prior to export. The following FSIS website link provides the facility registration details and processes, <https://www.fsis.usda.gov/wps/portal/fsis/topics/international-affairs/exporting-products/export-checklist>. Once registered with FSIS, the U.S facilities are included in the approved South African database and the products from these facilities would qualify for import permits subject to the relevant conditions. [Click here to download the list of approved abattoirs and de-boning plants, as well as the process and forms for registration.](#) The U.S exporter or facility owner is responsible for the cost and ensuring that their facility is registered. A facility only requires to be registered once and may be subject to audits/inspections during the registration process.

Table 11 below provides links to the processes and details for the registration of plant and plant-product facilities as outlined by DALRRD. South Africa accepts certifications issued by the Animal and Plant Health Inspection Services (APHIS). United States exporters and facilities can obtain the information on facilities registration, cost, procedures and export requirements, on the following APHIS website, https://www.aphis.usda.gov/aphis/ourfocus/planthealth/SA_Export.

Table 11: Facility and Product Registration Requirements in South Africa

Facility or Product	Website link
Premises for seed and nurseries	Download
Premises for Laboratory: seed quality	Download
Premises for Laboratory: Plant and seed health	Download
Production Unit (s) (PUC), Pack house (s) (PHC) and Inspection Points	Download

Source: DALRRD

Product Registration

Product registrations required in South Africa are for Genetically Engineered (GE) Events, Plant Breeders Rights and animal feed. According to the [Genetically Modified Organisms Act](#), prior to exporting commodities such as GE corn to South Africa, DALRRD requires that the exporting country must have approved the same type/number of GE events that have been approved in South Africa. As a result, it is the responsibility of the company that owns the intellectual property rights to the GE event (e.g. Monsanto) to ensure that the product is registered in South Africa prior to export. The following link provides the timelines, costs, procedure and contact details for exporting and the registration of GE products, [Click here to download the relevant documents.](#)

According to the [Plant Breeders Rights Act](#), plant and propagating material intended for sale into South Africa need to be registered and issued with a Plant Breeders Rights, valid for either twenty five years (vines and trees) or twenty years (all other cases). The application for a Plant Breeders Right should be undertaken by an agent based in South Africa on behalf of the foreign intellectual property owner. The

application process, forms, costs and contact details can be obtained from the following link, <https://www.dalrrd.gov.za/Branches/Agricultural-Production-Health-Food-Safety/Genetic-Resources/Plant-Breeders-Rights/Application-Forms-and-Technical-Questionnaires>.

All pet food must be registered prior to importation, manufacture or sale in South Africa. Registration of pet foods can only be done by an individual residing in South Africa or a company registered in South Africa. This may be handled by the South African importer or distributor. Guidelines for the registration of the product and requirements are attached for your review. Alternatively, information on the registration of the product can be obtained by contacting DALRRD by email (AICHelpdesk@daff.gov.za) and accessing the following website (<https://www.dalrrd.gov.za/Branches/Agricultural-Production-Health-Food-Safety/Agriculture-Inputs-Control/Forms>). The regulations relating to farm feed including pet food, and subsequent amendments can also be downloaded on the following website link, <https://www.dalrrd.gov.za/Branches/Agricultural-Production-Health-Food-Safety/Agriculture-Inputs-Control/Policies-Legislation>.

Information on who, where, and how to contact the U.S. regulatory agencies responsible for providing certification for U.S. food products can be obtained from the staff of OASA/PPTRD (agexport@fas.usda.gov).

Inspections and Testing

When imported commodities arrive at the port of entry, the South African Revenue Services (SARS) will inspect a random sample of the products to ensure that the declarations, HS Codes and customs duties applicable to that shipment have been correctly determined. The DOH inspectors and DALRRD inspectors will inspect the consignment for compliance with the relevant regulations including labeling and SPS and ensure that the correct permits are presented. Samples of the products may be taken for further analysis. [Click this link for regulations relating to the powers and duties of inspectors and analysts conducting inspections and analyses on foodstuffs and food premises.](#) Also, [Click here to download the fees charged for the testing by DALRRD.](#)

Following inspection of the imported commodities, and if the consignment meets the import requirements, the DALRRD and/or the DOH inspectors will release the products. Once the consignment has been released by the inspectors, the importer/agent must take the import documents to SARS for final release. If the consignment does not meet the import requirements, risk management measures will be recommended. The consignment 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 consignment should be destroyed, returned to the country of origin or re-routed to another country. Note that a consignment re-routed to another country must meet import requirements for that country.

Basic Certification and Documentation that Must Accompany Shipments

In addition to the import permits, certificates, sanitary and phytosanitary permits, covered under the FAIRS Certification Report, the following basic documentation should also accompany all shipments into South Africa:

- A 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.
- Bills of entry documentation that provide the correct physical addresses of supplier, storage facilities, correct quantities, grades and HS codes of commodities.
- The Bill of Lading.
- Insurance documents.
- Other special documentation and certifications 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

Other Specific Standards

Table 12 below provides the names other laws, legislation, or ordinances impacting imported foods that are not previously covered.

Table 12: Other Specific Standards

Name of Regulation	Ministry	Website Link
Fortification and other Nutritional Issues		
Regulations relating to trans-fat in foodstuffs	DOH	Download
Regulations Relating to the Reduction of Sodium in certain Foodstuffs and related Matters	DOH	Download
Regulations relating to food-grade salt	DOH	Download
Regulations relating to the fortification of certain foodstuffs	DOH	Download
Hazard Analysis and Critical Control Point System		
Regulations Relating to the Application of the Hazard Analysis and Critical Control Point System (HACCP System)	DOH	Download
Hygiene and Related Matters		
Guidelines for Monitoring Irradiated Foodstuffs in South Africa	DOH	Download
Regulations Relating to Irradiated Foodstuffs	DOH	Download
Regulations Governing General and Hygiene Requirements for Food Premises and the Transport of Food	DOH	Download
Regulations Relating to Milking Sheds and the Transport of Milk	DOH	Download
Regulations Regarding Processed Foodstuffs	DOH	Download
Regulations Relating to Perishable Foodstuffs	DOH	Download
Microbiological Standards		
Regulations Governing Microbiological Standards for Foodstuffs and Related Matters	DOH	Download
Regulations Relating to Milk and Dairy Products	DOH	Download
Packaged Water and other Beverages	DOH	Download
Prohibitions		
Regulations Prohibiting Guar Gum as a Foodstuff	DOH	Download
Regulations Relating to the Prohibition of the Manufacturing, Importation, Exportation and Sale of Polycarbonate infant Feeding Bottles containing Bisphenol A	DOH	Download
Veterinary Procedural Notices		
Veterinary procedural notice for buffalo disease risk management in South Africa	DALRRD	Download

Source: Department of Health: Food Control Division; DALRRD

Wine, Beer and Other Alcoholic Beverages

Liquor and alcoholic beverages regulations falls under three government departments; the DALRRD, DOH, and DTIC. The DALRRD using the [Liquor Products Act No. 60 of 1989](#), regulates the import and export of liquor products by issuing certificates and ensuring compliance to the quality standards. DTIC using the National Liquor Act No 59 of 2003 develops national liquor laws e.g. minimum drinking age; regulates the large scale manufacture and the distribution of liquor; and requires all large scale manufacturers and distributors to be registered with the National Liquor Authority. The Ministry of Health is responsible for the labelling and advertising of liquor products based on the regulations relating to labelling and advertising.

DALRRD is responsible for the administration of regulations relating to the importation and exportation of wine in South Africa. Any liquor product intended for import needs an import certificate from the DALRRD. Application for an import certificate is done online on the following website, www.dawineonline.co.za. The following link provides the procedures, requirements, contact details and step by step guide for the importation of liquor products for sale in South Africa, [download](#).

Organic Food Certification and Regulations

South Africa does not have a government certification system for organic products and farms. The inspection and certification of organic products and farms is carried out by private certification bodies primarily for export markets and to fulfill private requirements set by domestic retailers. As a result, South African certifying bodies are market focused and follow international best practices or the agreed export market certification standards, e.g. the USDA National Organic Program, European Union Organic Regulations, The Japan Agricultural Standards, Korean Organic Standard, Bio Suisse, Codex Alimentarius Guidelines and IFOAM Basic Standards. There are about seven private certification bodies that are active in South Africa, namely, Ecocert Southern Africa (Pty) Ltd, Bio-Org, BDIH - Natural Beauty Standard, BCS, Lindros Whole Earth Consultants, SGS South Africa (Pty) Ltd and Urban Harvest Edible Gardens.

South Africa does not have a specific national policy or regulation governing the organic food sector. DALRRD currently has draft legislation; the [10th Draft of the National Policy on Organic Production](#). The draft legislation outlines the background, opportunities, challenges, and recommends policy options to promote the growth of the organic farming sector in South Africa. This policy is expected to guide the regulation of organic foods in South Africa once finalized. However, acceptance of the policy by the industry and its implementation have been delayed since 2011. In the absence of official government regulations, the South African Organic Sector Organisation (SAOSO) published a domestic voluntary standard on organic production and processing in South Africa ([Download](#)) in September 2017. SAOSO is the most visible and active association in the South African organic sector. The SAOSO Standard for Organic Production and Processing is a localized version of the International Federation of Organic Agriculture Movements (IFOAM) Standard. However, the SAOSO standard is currently not recognized by international certification bodies, and government has not adopted it as a mandatory organic standard in South Africa.

Although there are no regulations in place specifically for organic foods in South Africa, the production, processing and labelling of organic products is required to comply with the general food regulations stipulated by the Food Control Division of the Ministry of Health and DALRRD. Hence, both imported and domestic organic foods are subject to the regulation relating to labelling and advertising of foodstuffs ([Download](#)). Organic products should also comply with the various DALRRD regulations relating to their quality, safety, grading, packing and marking as set out under the [Agricultural Products Standards Act](#).

Seafood Products and Canned Meat Products

The Food and Associated Industries Division of the National Regulator for Compulsory Specifications (NRCS) regulates canned meat and canned meat products, canned fish, canned marine mollusks and canned crustaceans, frozen fish and frozen marine mollusks, frozen rock lobsters, frozen shrimps/prawns, langoustines and crabs, smoked snoek, and live abalone. The Food and Associated Industries Division drafts the regulations and requirements for the above products, with respect to, packaging and labeling; quality and composition, and the processing facilities and persons handling and processing the above food products ([Click here to download the applicable compulsory specifications](#)).

Product Samples and Mail Order Shipments

Samples of most products are not subject to the same registration, certification, and testing and inspection requirements as regular shipments. However, the importer may be required to be registered with the South African Revenue Services for import tax purposes. Post encourages U.S. exporters to contact the FAS Office in Pretoria to confirm if their product is exempt from following the same processes and requirements as regular shipments.

Proposed Regulatory Requirements for Imported Fish and Fishery Products and Canned Meat Products

On October 20, 2017, the DTIC published the proposed administrative regulatory requirements for imported fish and fishery products and canned meat products regulated under the National Regulator for Compulsory Specifications Act No. 5 of 2008 ([Click here to download the proposed regulation](#)). The proposed regulatory requirements cover the general requirements, handling of specific consignments, handling of non-compliances, application for approval of the product, and the health guarantees for imported fish and fishery products and canned meat products regulated under the NRCS. The comment period opened on October 20 and closed on December 29, 2017. This regulation is still to be finalized.

Proposed Regulations Relating to Health Messages on Container Labels of Alcohol Beverages

In December 2017, the Minister of Health published the final regulations relating to health messages on container labels of alcohol beverages to be implemented in 2020, which is 36 months after the date of publishing. This regulation was widely criticized by the domestic industry and international stakeholders including the United States industry. The key concerns raised about the regulation includes, lack of clarity on the definition of container; difficulties to comply with this regulation and increased costs for manufactures especially small organizations; no clarity on how the Ministry of Health will enforce compliance of the regulation; the questionable effectiveness of rotating health labels to reduce alcohol

abuse. For further information on this proposed regulation refer to the following GAIN report published by Post in 2015 on the Regulations Relating to Health Messages on Container Labels of Alcohol Beverages ([Click here to download the GAIN Report](#)). This regulation is yet to be implemented as the Ministry of Health is still undertaking consultations and considerations.

Proposed National Liquor Policy (Liquor Act 59 of 2003)

On May 20, 2015, the DTI published a government notice (No. 38808) inviting the public to comment on the amendments to the National Liquor Policy Act, 59 of 2003. If the policy is implemented in its current form, it is expected to have economic implications to the liquor industry and could affect U.S. liquor exports. The deadline for submitting comments was August 13, 2015. Post published a GAIN report on this proposed policy in ([Click here to download the GAIN Report](#)). The key proposals include raising the minimum legal drinking age from 18 to 21 year old; restrictions on the advertising of alcoholic beverages and prohibitions on sponsorship and promotions associated with alcoholic beverages; extended liability for liquor manufacturers and distributors. While the intentions of the liquor policy are well meaning given the challenges and problems associated with alcohol and alcohol abuse in South Africa, the proposed policy requires further clarification, simplification and some of the policy proposals are impossible to implement or enforce compliance. If the policy is implemented in its current form, it is expected to have economic implications to the liquor industry and could affect United States exports. Due to the significant criticism of the policy, the DTI published the following document on August 2016 to outline and explain the policy recommendations intended to amend the Liquor Act, [Click here to download the document](#). The proposed policy is yet to be finalized and published as the DTI is still undertaking consultations and considerations.

SECTION VIII: TRADEMARKS, BRAND NAMES AND INTELLECTUAL PROPERTY RIGHTS

Patents, Trademarks, Designs, Copyrights and Intellectual Property Regulations and Procedures

The Companies and Intellectual Property Commission (CIPC): Patents, Designs and Innovation Division under the DTIC is responsible for the registration and maintenance of certain property rights (trademarks, patents, designs and copyright). Property rights, including intellectual property, are protected under a variety of laws and regulations, which basically provides the right for the property right holder to enforce their registered rights through the courts. South Africa has an independent judiciary under which any challenge to property rights may be enforced.

Patents may be registered under the Patents Act of 1978 and are granted for 20 years. [Click here to download the Patent Act, 1978](#) and [Click here to download Patent Regulations](#). The CIPC provides detailed definitions, examples and processes for registering patents on the following website; <http://www.cipc.co.za/index.php/trade-marks-patents-designs-copyright/patents/>.

Trademarks can be registered under the Trademarks Act of 1993, are granted for ten years and may be renewed for an additional ten years. [Click here to download the Trade Marks Act No 194 of 1993](#). The CIPC provides detailed definitions, examples and processes for registering trademarks on the following website; <http://www.cipc.co.za/index.php/trade-marks-patents-designs-copyright/trade-marks/>.

New designs may be registered under the Designs Act of 1967, which grants aesthetic designs for one period of 15 years, and to functional designs for one period 10 years. [Click here to download the Designs Act, 1983](#). The CIPC provides detailed definitions, examples and processes for registering designs on the following website; <http://www.cipc.co.za/index.php/trade-marks-patents-designs-copyright/designs/>.

The overall objective of the Merchandise Marks Act is to make provision concerning the marking of merchandise and of coverings in or with which merchandise is sold and the use of certain words and emblems in connection with business. [Click here to download the Merchandise Marks Act 17 of 1941](#).

The CIPC also provides a detailed processes and options for enforcing property rights including intellectual property rights. Click the following link for details; <http://www.cipc.co.za/index.php/trade-marks-patents-designs-copyright/enforcement/>.

Other intellectual property laws relevant to U.S. exporters of food and agricultural products include the [Plant Breeders Right](#), [Genetically Modified Organisms Act](#), and Geographical indications discussed below.

Protection of Geographical Indications in South Africa

On October 21, 2016, the DTIC published the [final list of agricultural products](#) including beer names, which will be protected on the basis of their geographical indications (GIs) under the Economic Partnership Agreement (EPA) between the Southern Africa Development Community (SADC) and the European Union (EU). The SADC countries included in agreement are Botswana, Lesotho,

Mozambique, Namibia, eSwatini (previously known as Swaziland) and South Africa. **Table 13** below provides the links to the descriptions of the agricultural products and beers names as well as the Rules of Use applicable thereto can be viewed at the following links:

Table 13: List of Geographical Indications and Applicable Rules

Product	Link to the list and rules of use applicable
Fruit, vegetables and cereals fresh or processed	http://www.thedtic.gov.za/wp-content/uploads/AnnexII_1.pdf
Cheeses Part 1	http://www.thedtic.gov.za/wp-content/uploads/AnnexII_2_partie.pdf
Cheeses Part 2	http://www.thedtic.gov.za/wp-content/uploads/AnnexII_2_partie_2.pdf
Meat Products	http://www.thedtic.gov.za/wp-content/uploads/AnnexII_3.pdf
Olive oil	http://www.thedtic.gov.za/wp-content/uploads/Annex_II_4.pdf
Fisheries Products	http://www.thedtic.gov.za/wp-content/uploads/Annex_II_5.pdf
Beer	http://www.thedtic.gov.za/wp-content/uploads/Beers_list.pdf
Ceske pivov	http://www.thedtic.gov.za/wp-content/uploads/Ceske_pivo.pdf
Ceskobudejovicke pivo	http://www.thedtic.gov.za/wp-content/uploads/Ceskobudejovicke.pdf
Bayerisches Bier.	http://www.thedtic.gov.za/wp-content/uploads/Bayerisches_Bier.pdf
Bremer Bier	http://www.thedtic.gov.za/wp-content/uploads/Bremer_Bier.pdf
Munchener Bier	http://www.thedtic.gov.za/wp-content/uploads/Munchener_Bier.pdf
Other Products	http://www.thedtic.gov.za/wp-content/uploads/annexII_7.pdf

Source: DTIC

SECTION IX: IMPORT PROCEDURES

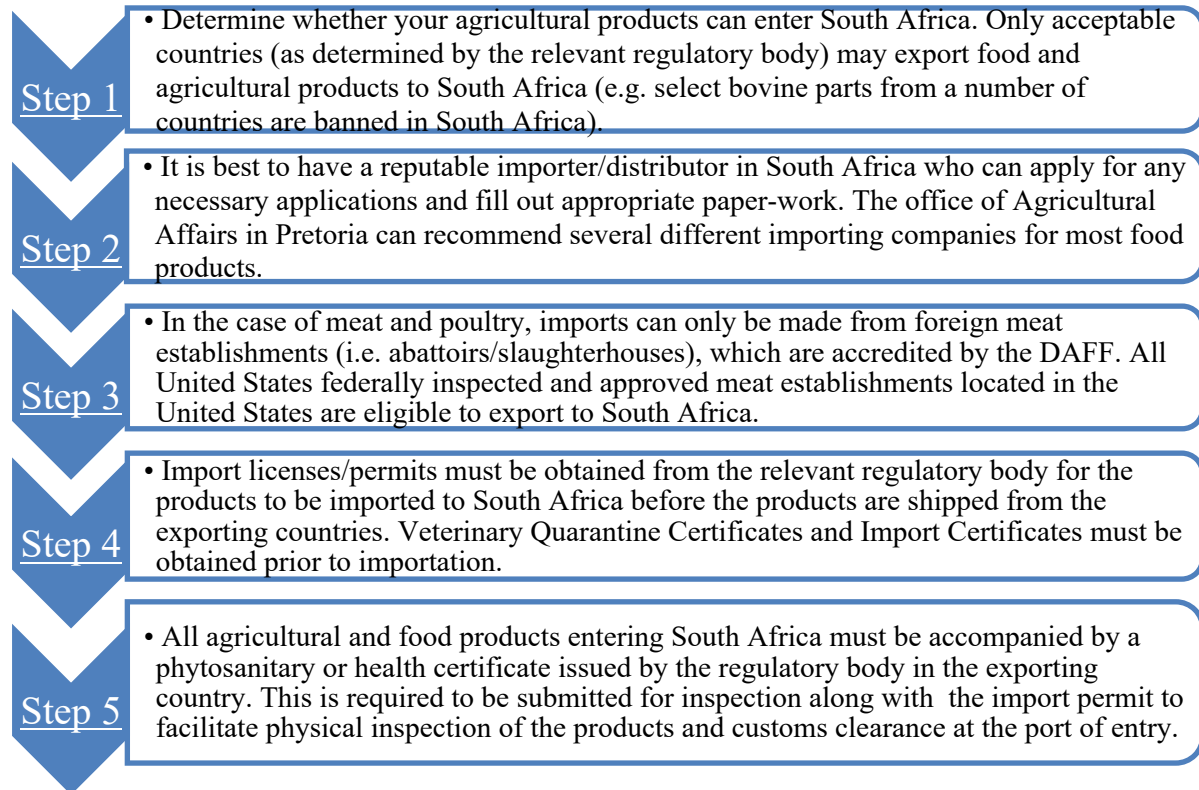
Import Application Forms and Procedures

The DALRRD provides an extensive list of procedures, applications forms and the legal framework applicable when importing agricultural products into South Africa. The following website link provides all the necessary procedures, applications forms and the legal framework applicable to the importation of animals and animal products, plants and plant products, veterinary import permits, GMO imports and the import of unlisted plant variety; <https://www.dalrrd.gov.za/Branches/Agricultural-Production-Health-Food-Safety/Food-Safety-Quality-Assurance/Procedures-and-forms>.

An import certificate is required for all liquor products imported and intended for sale in South Africa. DALRRD is responsible for the inspection, sampling and issuance of import certificates for liquor products. An importer may apply for an import certificate only once in the lifetime of a liquor product. The issued liquor import certificate can be re-used provided that the composition, content, bottle size and label of that product don't change. [Click this link to download the application forms and procedures when importing liquor products into South Africa.](#)

Figure 2 provides the basic procedures to follow when importing agricultural products into South Africa. Detailed procedures, forms and the respective authorities dealing with specific products can be downloaded on the website link provided above.

Figure 2: Basic Procedures for Importing Food and Agricultural Products into South Africa



Source: DALRRD

Exporter Registration with the South African Revenue Services

All exporters to South Africa must register with Customs at the South African Revenue Service (SARS). Post recommends that exporters appoint a local registered agent to act on their behalf. The following link has all the details for registrations, <https://www.sars.gov.za/ClientSegments/Customs-Excise/Registration-and-Licensing/Pages/Exporters.aspx>.

The SARS also publishes the list of customs duties applicable. [Click here to download the latest 2020 customs schedule](#). South Africa also provides tariff determinations, and applicants must apply for a determination through their customs broker/clearing agent to the Customs branch office where the goods are intended to be cleared or have been cleared for importation. The application must be properly motivated in terms of the Customs Act, Tariff and World Customs Organisation (WCO) 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.

SECTION X: TRADE FACILITATION

South Africa uses the Global e-phyto hub created by the International Plant Protection Convention. The issuance of ePhyto certificates started on 1 November 2019 with table grapes and citrus in March 2020. Trading partners that have ability to receive ePhytos that South Africa will be delivering, may receive them via the IPPC hub in an XML format or direct (where bilaterally agreed). The National Plant Protection Organization (NPPO) under DALRRD is responsible for e-phyto certificates in South Africa and further details may be obtained on the following website, <https://www.dalrrd.gov.za/Branches/Agricultural-Production-Health-Food-Safety/Plant-Health>.

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 where the goods are intended to be cleared or have been cleared for importation. The application must be properly motivated in terms of the Customs Act, Tariff and World Customs Organisation (WCO) 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 advance rulings and tariff determinations may be found on the following link, <https://www.sars.gov.za>. 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 or customs at the Ports who may withhold shipments for other specific reasons.

About seven countries including the United States have import protocols and/or pre-clearance programs with South Africa, as published on the following link, <https://www.dalrrd.gov.za/Branches/Agricultural-Production-Health-Food-Safety/Plant-Health/Import-into-SA/Import-protocols>. The United States has a protocol for the importation of apples from USA, PNW to South Africa as shown in **Table 14**. Notably, South Africa also has a preclearance program for the export of citrus to the United States from areas that are free from Citrus Black Spot (CBS) free in South Africa.

Table 14: Import Protocols and/or Preclearance Programs in South Africa.

Protocol/ Preclearance Program	Link
Phytosanitary work plan for the importation of Persea spp. (Hass, Pinkerton and Fuerte varieties of avocado) fresh fruit from Kenya to South Africa	Download
Phytosanitary import requirements for importation of Fresh Mango from Brazil to South Africa	Download
protocol for import of Chinese dates into South Africa	Download
Phytosanitary import requirements for importation of Apples from China to South Africa	Download
Phytosanitary import requirements for importation of Apples from Netherlands to South Africa	Download
Phytosanitary import requirements for importation of Litchi from Mozambique to South Africa	Download
Phytosanitary import requirements for importation of Litchi Madagascar to South Africa	Download
Phytosanitary import requirements for importation of Papaya from Mozambique to South Africa	Download
Phytosanitary import requirements for importation of Pears from China to South Africa	Download
Phytosanitary import requirements for importation of Stone Fruit Spain to South Africa	Download
Phytosanitary import requirements for importation of Apples from USA, PNW to South Africa	Download

Source: DALRRD

The trader or importer is responsible for all costs at the port for all products including customs duties, applicable taxes, storage, and also ad hoc costs relating to disposal, removal or rerouting of the consignment, including costs incurred by the South African government or agencies to monitor the action taken. The average release times for products under normal circumstances ranges from 3 – 5 days based on the port of entry in South Africa. Average release times are largely driven by the standard demurrage free time from the date the vessel completes discharge; the level of congestion of the respective port; and the type of port i.e. product release times at airports are much lower at between 1 – 3 days. It is estimated that about 90 percent of cargo is generally cleared within 4 days and only less than 10 percent of cargo is moved to bonded warehouses where the average stay is estimated at around 7 – 8 days. Free storage for transshipments is 7 days, which explains the higher average release times for trans-shipments.

Meat products such as poultry, pork and beef, as well as consumer oriented products face the most delays. Meat products face delays due to issues relating to certificates e.g. authentication of certificates, errors on dates etc. Other issues faced by meat products are SPS related e.g. microbial issues and bacterial contamination; uncompliant packaging and labelling; faulty temperature controls during transit. Consumer oriented products usually face delays due to incorrect HS codes declarations, and uncompliant labelling.

APPENDIX I: GOVERNMENT REGULATORY AGENCY CONTACTS

Department of Agriculture, Land Reform and Rural Development Contacts

Table 15: Department of Agriculture, Land Reform and Rural Development Contacts

Responsibility	Contacts
Import and Export Permits- Animals and Animal Products	Head Permit Office: Mr Weekend Mantshidi (Acting) Email: WeekendM@daff.gov.za Tel: +27 12 319 7514/ 7632 / 7503 / 7414
Import and Export Permits- Plant and Plant Products	Mr Bennie Kgomo/ Ms Priscilla Baloyi Email: PlantHealthPermits@daff.gov.za Tel: + 2712 319 6130 Fax +27 319 6383
Import regulations for Animals and Animal Products	Ms. Lerato Diale Email: LeratoDi@daff.gov.za Tel + 27 (0) 12 319 7559 Fax + 27 (0) 12 329 6892
Import regulations for plants, and plant products	Division: Policy Norms and Standards Email: MaandaR@daff.gov.za or CharlesN@daff.gov.za Tel: +27 12 319 6164/ 6116 Fax: +27 12 319 6025
List of approved foreign abattoirs & slaughterhouses; applications and certificates for facilities and compartments.	Ms. Tsholofelo Malatsi Email: TsholofeloM@daff.gov.za Tel + 27 (0)12 319 7546 Fax +27 (0)12 329 7699
Airport/ Port/ Border Inspections	<p>Cape Town Harbour Dr N Naude NiekN@daff.gov.za & KarenSa@daff.gov.za Tel: +27 (0)21 421 0270 Cell: 083 261 8502</p> <p>Cape Town Quarantine Dr Zarina Motala - ZarinaM@daff.gov.za Tel: +27 (0)21 551 2050</p> <p>City Deep – Inland Port Dr A Ikatekit-Okonera - ikatekitO@daff.gov.za Tel: +27 (0)11 613 1636 Cell: 083 661 6809</p> <p>Durban: Meat & Meat Products Dr D Naidu - DaveN@daff.gov.za & MelanieA@daff.gov.za Tel: +27 (0)31 368 8564 Cell: 083 775 5171</p> <p>Durban: Animal Quarantine & Animal Products Dr S Soni - SharonS@daff.gov.za Tel: +27 (0)31-368 8503</p> <p>Kempton Park Dr Ian McDonald - IanM@daff.gov.za Tel: +27 (0)11 973 2827 Cell: 076 519 1977</p> <p>Port Elizabeth Dr I Burnand - ianB@daff.gov.za Dr C Darke - ChrisD@daff.gov.za Tel:+27 41 585 8907 Cell: 082 829 8512 / 082 925 1436</p>

Source: DALRRD

Department of Health Contacts

Food Control Division

Penny Campbell

Director

Tel: 012 395 8799/ 8800

Fax: 012 395 8854

E-mail Address: Penny.Campbell@health.gov.za

Malose Daniel Matlala

Deputy Director: Inter-Agency Liaison and Regulatory Nutrition
(National Codex Contact Point: South Africa)

Tel: +27 12 395 8789

Fax: +27 12 395 8854

Email: CACPSA@health.gov.za

Aluwani Madzivhandila

Responsible for MRLs

Tel: +27 12 395 9359

Fax: +27 12 395 8854

E-mail: MadziA@health.gov.za

Yvonne Tšiane

Responsible for Metal Levels

Tel: +27 12 395 8779

Fax: +27 12 395 8854

Email: Yvonne.Tsiane@health.gov.za

Port Health Services and Inspectors at Various Ports of Entry

The list of contact details of the port health services can be downloaded on the following link:

<http://www.health.gov.za/phocadownload/FoodInfor/PortHealth.pdf> .

South Africa Codex Point of Contact

Tel: +27 12 395 8789

Fax: +27 12 395 8854

E-mail: CACPSA@health.gov.za

Liquor Labeling Contacts

Directorate: Mental Health & Substance Abuse

Tel: +27 12 395 8047

Email: Sifiso Phakathi (PhakaO@health.gov.za); Tebogo D.Tladi (TladiT@health.gov.za).

Department of Trade, Industry and Competition Contacts

Companies and Intellectual Property Commission

Patents, Designs and Innovation Division

Ms Fleurette F Coetzee

Senior Manager: Trade Marks:

Tel: +27 12 394 5109

Fax: + 27 12 394 6109

E-mail: fcoetzee@cipc.co.za

National Regulator for Compulsory Specifications (NRCS)

Maphuti Kutu

National Regulator for Compulsory Specifications (NRCS)

Technical Specialist: Food & Agro-processing

Division: Regulatory Research and Development

Tel: +27 12 482 8930 Cell: +27 82 584 6086

Email: maphuti.kutu@nrcs.org.za

Website: www.nrcs.org.za

Ms Ntomboxolo Meisie Katz

General Manager

Food and Associated Industries| NRCS|

14 B Railway Road, Montague Gardens, Cape Town, South Africa|

Tel +27 21 526 3400| Cell +27 84 974 3164|Fax +27 21 526 3451

Email: meisie.katz@nrcs.org.za

Principal Inspector

14B Railway Road, Montague Gardens, Cape Town, South Africa

Tel +27 21 526 3406 | Fax 0867468512

Email: prinsak@nrcs.org.za

South African Bureau of Standards (SABS)

WTO/TBT Enquiry Point

Economic Impact & IP Department

Tel: +27 12 428 6229

E-mail: wto@sabs.co.za

Website: www.sabs.co.za

National Liquor Authority (NLA)

Ms Nkoe Ramphele

Email: NRamphele@thedti.gov.za or nationalliquorauthority@thedti.gov.za

APPENDIX II: OTHER IMPORT SPECIALIST CONTACTS

Office of Agricultural Affairs (FAS/USDA)

U.S. Embassy Pretoria, 877 Pretorius Street, P.O. Box 9536

Pretoria, South Africa 0001

Tel: (+27) 12 431 4057

Fax: (+27) 12-342-2264

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Attachments:

No Attachments