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South Africa - Republic of

Food and Agricultural Import Regulations and Standards - Narrative

FAIRS Country Report

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Report Highlights:

Sections updated: I, II, III, V, VII

South Africa's food laws are updated every now and then to improve public health based on latest available scientific evidence.

Section I. Food Laws:

The Foodstuffs, Disinfectants and Cosmetics Act (FDCA) 54 of 1972 has been reviewed with effective from March 27 2009. The Act is meant to control the sale manufacture, importation and exportation of food stuff; cosmetics and disinfectants and to provide for incidental matters. The amendments done are relating to the following: regulations relating to mollusk farming and fish farming and there are also changes regarding the delegation of powers by Director General

and some definitions have been amended as well.

Microbiological Standards:

On May 23, 2008, the Government Gazette no. R547 published an amendment to the regulations governing microbial standards for foodstuffs and related matters. The amendment regulates sea and freshwater products, cooked or uncooked. For Prawns, shrimps, crayfish, lobsters, crabmeat, eels, or fish, regulations are as follows: Histamine contents exceeding 10 mg/100g of foodstuffs (tested according to Association of Official Analytical Chemists (AOAC) method of 1996) indicate decomposition. Histamine content of more than 20 mg/100g is unsafe for human consumption. The foodstuffs should not have any trace of antibiotics, and salmonella and shigella organisms. *Vibrio Cholerae* and *V. perahaemolysis* spp should not be present in 25g of foodstuffs, no presumptive *Eschericia Coli* in 10mg of foodstuffs, and *Staphylococcus aureus* should not exceed 10 colony forming unit. Total colony counts for organisms should not be more than one million/gram foodstuff when foodstuff is tested (using pour-plate method on count agar at 30 degrees celcius for 72 hours).

In Oysters, mussels or clams, the number of faecal coliforms should not exceed 500/100g foodstuffs when harvested from waters that have been approved for shellfish harvesting. When harvested from restricted areas, faecal coliforms should not exceed 6,000/100g. These restrictions are regulated through the Marine Living Resource Act (18 of 1998).

On November 18, 2006, the regulation governing microbiological standards, under the FCD Act of 1972, was amended to regulate the sale for consumption of fruit juice of which 1ml contains: a total viable count of more than 10,000 of colony forming units; a coliform count of more than 100 colony forming units; a yeast mould count of 1,000 colony forming units; any detectable levels of *E.Coli*; and, its 25ml contains any detectable *Salmonella* spp.

<http://www.doh.gov.za>

Fungal Standards:

On May 9, 2008, the Minister of Health published a draft amendment to the regulations governing tolerances for fungus-produced toxins in foodstuffs in Government Gazette no. R512. The regulation stipulates that wheat, rye, barley and oats should not contain more than 0.05 percent (m/m) of Ergot *Sclerotia*.

Historical Data:

South Africa's food control system is conducted under the terms of at least fourteen acts that are administered and enforced by numerous authorities and assignees at all three tiers of government (national, provincial and local). The three agencies tasked with developing and enforcing food safety standards in South Africa are the Department of Health (DOH), the Department of Agriculture (DoA) and the South African Bureau of Standards' (SABS) Directorate of Regulatory Affairs and Consumer Protection. Under the DOH the Directorate of Food Control (DFC) oversees food safety and under the DoA the Sub-directorate Agric Product Quality Assurance (SAPQA) and the Directorate of Plant Health and Quality (PHQ) are the responsible entities. Although a number of coordination mechanisms have been established, these have not succeeded in eliminating the problems caused by the fragmentation of control.

In late in 2003, the Departments of Agriculture and Health worked collectively to design a new national food control system to separate policy and implementation issues. These departments established two entities: the National Food Control Authority and the Food Inspection Agency.

The National Food Control Authority will be a multi-sectoral governmental authority with the main component located in the Department of Agriculture responsible for policy issues. The Food Inspection Agency will be a parastatal that will incorporate law enforcement activities currently exercised by various government departments and their assignees.

Foodstuffs, Cosmetics and Disinfectants Act:

The Foodstuffs, Cosmetics and Disinfectants Act no. 54 of 1972 was updated to Government Gazette 32012 dated 20 March 2009. The amendments are insertion of new definitions; authorization of medical practitioners; environmental health practitioner, veterinarians and any other persons considered fit to administer the Act, the increment of the deposit for further analysis or examination of a sample. The Minister may make regulations regarding regulation; handling; importation and exportation of foodstuffs, detaining, removing and destroying of food producing animals and foodstuffs for inspection of food producing animals; medical examination of food handlers and the water used for food processing. The act has also made amendments regarding the regulation of mollusk and fish farming; has simplified the provisions relating to penalties and provided for the delegation of power by the Director General.

The Department of Agriculture Forestry and Fisheries (DAFF)'s Directorate of Veterinary Services administers the **Animal Diseases Act**, 1984 (Act No 35 of 1984) and the **Meat Safety Act**, 2000 (Act No 40 of 2000), two of the statutory instruments created by the South African parliament to protect and regulate the production chain. Applications to import animals and animal products (including casings) from individual countries are evaluated in accordance with these Acts, international standards and other requirements.

There have been some amendments in the Animal Diseases Act, 1984 (Act No. 35 of 1984) regarding regulations as gazetted on notice no. R. 527 of 15 May 2009 and notice no. 558 of 22 May 2009. The following regulations have been amended:

- Regulation 20 of the regulations
- Regulation 1 of the regulations
- Regulation 20B of the regulations
- Regulation 30 of the regulations
- Annexure 3 of the regulations
- Annexure 4 of the regulations has been deleted
- Table 1 of the regulations
- Regulation 12 of the regulation regarding the registration for diagnostic testing for controlled and notifiable animal diseases.

Copies of these Acts and their regulations can be obtained from the Department of Agriculture Forestry and Fisheries (DAFF)'s, by contacting Mrs. Viviers at tel: 27 12 319 7700 or fax 27 12 329 6892.

According to the Department of Agriculture; Forestry and Fisheries, there will be changes to the Meat Safety Act, 2000(Act No. 40 of 2000). The changes relate to exceptions in the act to allow game and crocodiles to enter the abattoir dead, since the killing happens outside the abattoir. The placing of a definition for "independence" as in meat inspection and a few other smaller issues will be amended. The department is currently awaiting Legal Services input on the changes.

Regulatory Agencies

The Department of Food and Associated Industries (FAI), a South African Bureau of Standards

(SABS) unit has food inspectors working with other governmental departments to ensure food safety issues for both locally manufactured and imported seafood and canned fish products. The unit issues quality and compliance health certificates for seafood products.

Import Regulations

All imported food and agricultural products are required to comply with South Africa's food health and phytosanitary laws. In general, products are not allowed to enter South Africa if they are deemed to be a danger to human life or well-being, either directly or indirectly. South African food regulations are aligned with CODEX Alimentarius Commission guidelines.

All food and agricultural products that enter South Africa must be inspected to ensure that they are not contaminated with any pest and that they are fit for their intended use.

The health and SPS regulations and procedures applied on imported agriculture and food products are broadly similar for all types of products. Under South African import laws, it is the responsibility of the importer to ensure that any product entering the South Africa customs territory is in full compliance with South African health and SPS regulations. The enforcing authorities will inspect the goods and relevant import/export documentation to ensure that compliance with South African and decide whether or not the goods may enter South African regulations..

In cases where non-compliance is found, the goods may require treatment prior to entering South Africa or they may be rejected and ordered destroyed or disposed of outside South Africa. It is therefore very important that importers and exporters ensure that compliance is achieved before the goods are shipped to South Africa.

Section II. Labeling Requirements:

The Minister of Health intends to amend regulation 2 of the regulations relating to foods for infants, young children and children. The amendment will address the percentage of lead that may be present in ready to use and dehydrated concentration forms of infant formula.

Government gazette no. R1013 of October 26, 2007 published regulations relating to foodstuffs for infants, young children, and children for public comments. The general labeling, composition, and packaging are supplementary to the other labeling requirements by the Act. The new regulation specifies requirements for: mandatory nutritional information, nutritional information, recommended dietary allowance for infants and young children, and generic labeling. The regulation prohibits distribution of gift packs, free and low designated products and samples, designated products or samples, donations, or distribution of equipment sponsorship.

The new draft regulations relating to labeling and advertising foodstuffs have been published by the Minister of Health in terms of the Foodstuffs, Cosmetics and Disinfectants Act, (Act 54 of 1972), for public comment for a period of three months in the Government Gazette No. 30075 on 20 July 2007.

The current regulations on the advertising and labeling Foodstuffs (R 2034) were promulgated in 1993 and have to be replaced to strengthen effectiveness, close all known "loopholes" and incorporate new developments in scientific research as well as in international Codex Standards and Guidelines.

The draft regulations focus on several strategies to improve public health through healthy food

choices and improved nutrition through special food formulations, which are based on the latest available scientific evidence. The regulations also set extensive conditions and criteria for nutrition and health claims on certain food labels and/or their advertising. It can be accessed at: <http://www.doh.gov.za>

General

The information required to appear on any label shall be:

- In at least one official language (English) of the Republic of South Africa
- Clearly visible, easily legible and indelible, and the legibility shall not be affected by pictorial or any other

The CPB also includes a significant change to product liability, such that a consumer no longer has to demonstrate that a producer was negligent before receiving compensation for injury. The new legislation puts the burden of proof on the producer or supplier, meaning that a consumer can sue almost any producer or supplier for harm or injury that is the result of a failed, defective, or unsafe product. Almost every supplier must comply with the bill, even if the supplier does not reside in South Africa. Foreign producers who sell products through a South African agent for use in South Africa would be included under the bill. These regulations will have a significant impact on not only regional trade, but also on U.S. exports to South Africa, since all products will have to be labeled and producers/suppliers could be held liable for any purported harm their product may have caused.

- matter, printed or otherwise
- In a color that is in distinct contrast to the background color of the label

Name and address

The name and full physical address of the manufacturer, producer, proprietor or controlling company, or, in the case of containers packed on behalf of any other person or organization, the name and full physical address of that person or organization. The size of the lettering shall not be less than 1mm in height.

Product name

The name of the product shall be a true description, including its method of preparation, presentation and packing medium and shall not be misleading. The name must appear on the main panel(s) in bold print in letters not less than 4mm in height.

Qualifying words

Words that qualify the foodstuffs or are an essential part of the description, shall be in the immediate proximity to the name and in prominent letters at least one third the size of the name of the product.

List of ingredients

Where applicable a statement of ingredients in descending order of content must be given. The presence of any preservative shall be indicated in the list of ingredients by its common chemical name, either followed or preceded by the word "preservative". Preservatives which are used as anti-oxidants shall be indicated by the common chemical name in the list of ingredients, either followed or preceded by the words "anti-oxidant". Where the colorant tartrazine is used it must be specifically listed as "tartrazine" in the ingredients listing. The use of monosodium glutamate (MSG) shall be indicated by name in the ingredients listing.

Foodstuffs which need not bear a list of ingredients include water, which is added with carbon

dioxide and having a name indicating it has been carbonated, vinegars fermented exclusively from a single basic product, dairy products containing only milk, or added with only starter culture or rennet, any drink according to the Sorghum Beer Act, 1962, or beer as described in the Liquor Act of 1989.

Pictorial representations

No pictorial representation, which reflects any foodstuff not contained in the container and which might lead the consumer to believe that such foodstuff is contained in the container, shall appear on the label unless the words "serving suggestion", or words indicating the justification for the use of such a pictorial representation are printed on the label.

The net mass declaration

The net mass of the contents shall be expressed in the relevant units of the metric system such as kilogram (kg) or gram (g). The lettering must be uniform and of a size such that the head of the "g" is equal to at least one quarter the size of the product name, brand or trade name, or 1.5mm, whichever is the greater. The net mass declaration shall be in a color in distinct contrast with the background, and where it does not appear on the main panel(s) it must be framed in a bold continuous line. The words "net mass" or "net" may be used with the net mass statement.

Storage instructions

A statement that the product is cooked or uncooked as applicable, together with the relevant storage instructions shall appear on the main panel in letters not less than 3mm in height.

Uncooked/raw – Keep Frozen

Partly cooked – Keep Frozen

Cooked – Keep Frozen

Grading of the product

The grading category of the product and the count must be declared on the label.

Date of manufacture and factory code

The date of manufacture and the identity of the factory in which the product was packed must be indelibly marked or stamped on each immediate container or, in the case of glass jars, on the cap or label. The use of a code is permissible provided that the key is disclosed to the SABS.

Country of origin

Words indicating the country of origin must be stated on the label.

Substandard

When required, the word "Substandard" shall be printed prominently and indelibly on all main panels in a print size at least half the size of the product or trade name, whichever is greater.

Directions for use

Where relevant

Labels

The information stated previously shall be printed on the package or on the overwrap covering the package, or on a label of acceptable material attached to the package. Labels on packages shall be clean, neat and securely attached. They shall not be superimposed on other labels or on matter printed directly on the packages. Labels or sealing adhesives that are liable to deteriorate under the conditions of storage of the packaged products shall not be used.

Marking of master cartons

Containers shall be clean, neat and unbroken. On every container shall be printed or stenciled the quantity and net mass of the packages it contains and the information as required in the previously mentioned requirements, except that the street address of the manufacturer need not be the full address, but must be sufficient for identification purposes. The method of preparation need not be given on the container. The date of packing and batch number (if applicable) shall be stamped or otherwise marked on the container or on a label securely attached to the container.

Nutritional and Health Claims

Nutrition labeling must appear on food labels or in accompanying labeling. The label must have the heading 'Nutrition Information', and should specify serving size, the nearest kilojoule of energy content of a serving per 100g or per 100 ml, total amount of proteins, carbohydrates, fats and dietary fiber in grams(weight), sodium in milligrams and RDA proteins per serving.

Labeling of foods for special medical purposes must indicate nutritional information, osmolarity on acid-base balance, number of servings contained in the package, nature of animal/plant protein hydrolysates, the description of modification and information on the amino acid, fatty acid/carbohydrate profile, a bold capital lettered statement not less than 3mm reading "USE UNDER MEDICAL SUPERVISION".

GMO labeling regulations

On April 24, 2009 outgoing President Kgalema Motlanthe signed the Consumer Protection Bill into law. The primary purpose of the law is to prevent exploitation or harm to consumers and to promote the social well being of consumers. Mandatory GMO labeling and liability clauses in this bill will directly affect U.S. companies with food and agricultural interests in South Africa.

The Consumer Protection Bill (CPB) had been contemplated for several years. A previous version of the bill did contain similar language on compulsory genetic modification labeling but it was removed by the Department of Trade and Industry (DTI) after consultation with the appropriate food sector stakeholders such as the Department of Health, the Department of Agriculture, food industry representatives, and other stakeholders. When the clause was originally excluded, there was no indication given that the decision could, or would, be reversed.

The compulsory labeling legislation was reintroduced in Section 24(6) at a last minute meeting in September 2008 by the DTI Portfolio Committee. The insertion of mandatory labeling was reportedly included to appease a minority that was insisting on the public's 'right to know' and 'right to choose'. The last minute meeting was described as a 'public' meeting; however, the Department of Agriculture and Department of Health representatives, the two entities charged with implementing the 1997 GMO Act, were not invited. Anti-GMO groups were in attendance.

Section III. Packaging and Container Regulations:

For all goods, temperature in transit and at the destination point must be taken into consideration when using gels and dry ice. Chilled goods should be packed either in insulated container with gel-packs/blue ice or in heavy cardboard boxes with gel-packs. Goods should never be packed with wet ice. Frozen goods, as with chilled, should be tightly packed with gel-packs and/or dry ice. Dry goods should be packed tightly to avoid internal damage.

Carton labels should be marked to indicate either dry/chilled/frozen content. The shipments should be marked with colored labels, and all boxes should contain the following: Supplier

name, address, destination, total number of cartons shipped, and a copy of pro-forma / commercial invoices.

Section IV. Food Additives Regulations:

In February 2008, Government Gazette no. R125 published an amendment to the regulation related to the use of sweeteners for public comments. The amendment adds sugar "Isomaltulose" to the list of ingredients, and the following words should appear below this term and should be in parenthesis" source of glucose & fructose".

On April 28,2006, a government gazette no. 28759 published a draft of the regulation of preservations anti-oxidants under the FCD Act of 1972 for public comments. The new rule establishes the maximum level of the antioxidant, Dimethyldicarbamate, at 250mg/litre for black currant juice, soft drinks, pineapple juice, and sacramental wine from unfermented grape juice. <http://www.doh.gov.za>

Food additives used as oxidants, sweeteners, colorants, curing agents, flavor enhancers, flavorants or preservatives, in a given foodstuff must appear on the label. The label on any pre-packed food additive or blend of food additives must comply with all labeling requirements and bear the words "for use in foodstuffs", or "for use in food" or "blend of food additives". The common chemical name of the product should be used on the labels. The names 'food colorant' or 'food coloring' or 'food color' and common chemical name and color index number should appear in the label. If an additive is sulfur dioxide, the maximum and minimum percentages should be specified. The date of maximum durability for food additives with the shelf-life not exceeding 18 months should have words as 'use before X', where X represents the latest recommended date of use.

Regulations governing the labeling and advertising of foodstuffs are contained in: Foodstuffs, Cosmetics and Disinfectant Act, 1972 (Act no. 54 of 1972).

The DOH does not maintain a list of permitted additives. South African Food Additive regulations are categorized according to type. Please look up your product at the following internet address and then see which additives are permitted with that particular foodstuff:

http://www.doh.gov.za/department/dir_foodcontr.html

Click on "legislation" at the top, then scroll at the bottom to see all the final regulations pertaining to additives.

Section V. Pesticides and Other Contaminants:

The South African Department of Health (DOH) is the main food control regulatory body. DOH approves the Maximum Residue Limits (MRLs) for pesticides and for other chemicals and metals that may be present in foodstuffs for both exports and imports. The National Department of Agriculture (NDA) gives guidance for usage of pesticides. Analysis for pesticide MRL is the responsibility of the DOH inspection services from the port to the laboratories. For exports, the Maximum Residue Limits in foodstuffs regulations are established by the Department of Agriculture, the South African Bureau of Standards (SABS), the Perishable Products Exports Control Board (PPECB), industry working groups, agricultural chemical companies and technical experts, all operating under about 14 acts. The PPECB handles MRL analysis for exports. Another government agency advising about MRLs is the Agricultural Research Council (ARC) –

for technical expertise.

On March 23 2009 Government Gazette no.R.325 published the Minister of Health's intention to make amendments in the schedule regarding regulations governing the Maximum Residue Levels (MRLs) for pesticide residues that may be present in food stuffs.

Regulations of maximum residue limits for pesticides on imported foodstuffs are governed under the FCD Act, 1972 (Act No.54 of 1972). Food import control is conducted by the Port health services and the Provincial Health Department according to the act. For specific MRLs, please see http://www.doh.gov.za/department/dir_foodcontr.html.

Fresh produce imports use the local codex. Ports authorities report that it has been five years since the last MRL testing was done because it is an expensive procedure. (There are about 100,000 chemicals used in registered pesticides on the market, it is not easy to prioritize). However, samples are continuously taken from the consignments to test for food colorants, aflatoxin, preservatives, sweetness and labeling. The port health authorities also rely on reports from organizations like the U.S. Food and Drug Administration, U.K. Food Authority and Australian Food Authority and are reactive to any threatening health alerts imposed by any of the groups. When there is a threatening health alert, South African ports will organize contamination analysis and detain the products from import until further analysis can be conducted.

At the port, samples are randomly extracted from different crates within the consignments at specified rates. The port health inspector extracts a sample size of about one carton, or 2 –5 kg of fruit. Tests are done as once-off procedures immediately when the consignments arrive at the port. Sample size is specified by the standard procedure guidelines per commodity. Samples are then drawn and sent for analyses at the laboratories. The Government has comprehensive information and detailed methods of chemical detection in foodstuffs. Guidelines are set according to Codex. Results are made known to the importer and agent as soon as they are available, and normally take about two days for perishables, and at least 2-5 days for grains.

The Port Health services are provided by the national government at no charge to the importer. But in case of a regulation default, the importer bears the costs.

The local laboratories (Cape Town, East London, Pretoria, Durban) do not test for pesticide MRL on wheat and maize because they have not yet agreed on a suitable method. However, quite often MRLs are checked for fresh products.

Codex Alimentarius values are the principal default levels but are only applicable when no South African MRLs have been established. If there is no Codex value for a particular chemical/commodity, the second default choice is the lowest Limit of Detection (LoD) level, usually at 0.01mg/kg of commodity, established in South Africa for a crop in the same food category. These defaults are automatic and are required by the South African Food Code. Finally, if none of these defaults are applicable, then the MRL set by other countries are considered.

See updated contact details for Port Health Services at APPENDIX I (below)

On May 23, 2008, the Minister of Health published Government gazette no. 557 to allow local authorities enforcement under the FCDA (1972). APPENDIX I below names the districts and areas of their jurisdiction.

Section VI. Other Regulations and Requirements:

On May, 23, 2008, Government Gazette published amendment to the regulations relating to the Hazard Analysis and Critical Control Point System (HACCP System) to include processors of groundnuts. The regulations should be effected within one year of publication of the final document.

In June 23, 2006, a draft for the Plant Health Policy document was released, under the government gazette no.28466, for public comments. The Policy aims to protect against imports of plants and related materials that harbor pests that may endanger the South African agricultural, horticultural or forestry sector. This new policy was written to be in line with the World Trade Organization Agreement on the Application of Sanitary and Phytosanitary Measures, and the International Plant Protection Convention (IPPC).

This regulation will be the umbrella Act for plant health. Imports and exports are conducted under the Agricultural Pest Act of 1983 (Act no.36 of 1983).

South Africa plans to promote an effective standard measure on national, regional and international levels to prevent distribution of pests. The Government of South Africa plans to share responsibility with stakeholder industries, IPPC, IPPC'S regional Plant Protection Organisation for Africa, the Inter-African Phytosanitary Council (IAPSC), and the Southern African Development Community (SADC). The Department of Agriculture's Directorate Plant Health (DPH) and the Agricultural Products Inspection Services (APIS) will corordinate.

Previously, imports had been controlled using PRA methods as according to the Agricultural Pests Act of 1983. The Department of Agriculture, the Agricultural Research Council and other research institutions, and the Department of Environmental Affairs and Tourism, control the import of bio-control agents. The National Plant Protection Organization (NPPO), with quarantine facilities and diagnostic laboratories and inspection services, is also established according to IPPC.

<http://www.nda.gov.za>

Testing

The Port Health Authority may detain goods at customs or issue an extended health detention to assist the food industry and other associated industries to take samples and conduct one or more of the following tests: sensory, microbiological and chemical.

The sample is divided and packed separately into three sealed and labeled containers to indicate its nature and to identify it as from the original sample. One of the packages is given to the person responsible for the commodity, and the other package is sent for testing, while the third package remains with the inspector. For further analysis, the sample is derived from the remaining two packages. The same procedure also applies to perishables.

Certification

All canned seafood products are tested under the compulsory specifications. The products are detained when tests are conducted and are only released for sale after a compliance certificate is issued. Frozen products are monitored on a regular basis at the processors. All imported goods are sampled and tested before distribution and sale.

Special Documentation/Conformity Assessment Requirements

Seafood shipments should be accompanied by bills of entry documentation that provide the following information, correct physical addresses, storage facilities, and correct quantities of

commodities. A list of codes should indicate various codes and different grades and quantities of each in the consignment. These regulations are regulated under the SABS.

Section VII. Other Specific Standards:

Consumer Protection

On April 24, 2009 outgoing President Kgalema Motlanthe signed the Consumer Protection Bill into law. The primary purpose of the law is to prevent exploitation or harm of consumers and to promote the social well being of consumers. Mandatory GMO labeling and liability clauses in this bill will directly affect U.S. companies with food and agricultural interests in South Africa.

The Act has become a law; however, there are currently no regulations (not even in draft form) for the Act. It is very difficult to consider the implications of the Act without the regulations. So it might be some time yet until public can establish with certainty what obligations will be under the Act. The Act will only operate from 24 October 2010 (18 months from the date it was signed by the then President), so everyone has lots of time to prepare to comply with the Act.

The bill requires mandatory labeling of GMOs for all domestic and imported food products. Section 61 of the bill imposes a no fault liability on any producer or importer, distributor or retailer of any goods for damage caused wholly or partly because of supplying any unsafe goods, a product failure, defect or hazard in any goods, or inadequate instructions or warnings provided to the consumer pertaining to any hazard arising from or associated with the use of any goods, irrespective whether the harm resulted from any negligence by the producer, importer, distributor or retailer. Thus, the consumer may hold any or all persons in the supply chain liable for damages, the one paying the others to be absolved.
<http://www.sheqafrika.com/liability-food-safety>

Vitamin-Enrichment Requirements

Fortification of foodstuffs is regulated under South Africa's Department of Health, Food Act of 1972. Importers and manufacturers of food vehicles should use only micronutrient mix from companies that have registered with the Department of health. The importer should record certificates of micronutrient mix used in the production of every batch of the food vehicles. It is illegal to import micro nutrient mix without registering it with the DOH. Importers of micronutrient mix should apply to the Director General for registration of their nutrient mix specifications. Specifications must include recommended addition rates.

Specifications for labeling, fortified food standards, micronutrient mix, etc, the Regulations Relating to the Fortification of Foodstuffs (October 18,2002) can be accessed by visiting www.doh.gov.za under documents – legislations - regulations.

Meat

South Africa's meat import procedure and requirements are regulated mainly through the Animal Diseases Act, 1984 (Act no. 35 of 1984), and the Meat safety Act, 2000 (Act no. 40 of 2000).

Frozen and chilled meat may only be imported from established abattoirs and cutting plants approved by the Director of Veterinary Services of South Africa. The directorate keeps a list of approved facilities which is available on request at Tel: +27-12-319-7700, Fax: +27-12-329-6892, or e-mail: ElmarieV@nda.agric.za

To receive a copy, a new importer may submit the company name to be added to the mailing

list, which is updated bi-annually. However, listing of a facility does not necessarily mean the directorate will allow entry for any product from that plant, Veterinary inspectors of exporting countries conduct routine facilities inspections for compliance, and then notify the South African authority.

An abattoir or cutting plant in need of South African approval should contact the local veterinary authority where the business is situated. The inspectors are expected to analyze the facility and provide confirmation in writing to the South African authorities.

An importer should have a South African veterinary import permit before the consignment departs from the country of origin. Import permits for animal products imported for commercial purposes are only issued to companies residing in South Africa or an agent in South Africa appointed by an international company. South Africa does not accept imports via third countries.

An application fee of R60 should be paid when submitting the veterinary import forms. The import permit can either be mailed to the importer or can be collected at the permit office, as desired by the importer. Application forms and more information concerning payments may be obtained from the permit office at Tel: +27-12-319-7514/7414.

Meat must be inspected at one of the following port of entry inspection sites as stipulated on the permit: Durban, Cape Town, City Deep Abattoir (only from neighboring countries), and Port Elizabeth (on special permission).

Genetically Modified Organisms (GMOs)

NDA released a guideline document for working with Genetically Modified Organisms in May 2004. GMO products intended sale as food/feed are analyzed for food safety on a case-by-case basis. The prospective importer must submit a comprehensive summary of all results, preferably in a table format, with a complete package of the data for food safety assessment.

For further information on GMOs and legislation, visit the following websites:

Regulatory authorities:

Department of Health: www.doh.gov.za/depart/dir_foodcontrl-f.html

Department of Agriculture: www.agric.gov.za

The South African Agency for Science and Technology Advancement: www.pub.ac.za

This office produces a Biotechnology report for South Africa SF7028

Section VIII. Copyright and/or Trademark Laws:

Property rights, including intellectual property, are protected under a variety of laws and regulations. South Africa has an independent judiciary under which any threat to property rights may be enforced without political interference.

Patents may be registered under the Patents Act of 1978 and are granted for 20 years. Trademarks can be registered under the Trademarks Act of 1993, are granted for ten years and may be renewed for an additional ten years. New designs may be registered under the Designs Act of 1967, which grants copyrights for five years. Literary, musical and artistic works, cinematographic films and sound recordings are eligible for copyrights under the Copyright Act of 1978. This act is based on the provisions of the Berne Convention as modified in Paris in 1971 and was amended in 1992 to include computer software. The Patents, Trademarks, Designs, and Copyrights Registrar of the Department of Trade and Industry administer these acts.

South Africa is a member of the Paris Union and acceded to the Stockholm text of the Paris Convention for the protection of industrial property. South Africa is also a member of the

World Intellectual Property Organization (WIPO). The Government passed two IPR-related bills in parliament at the end of 1997: the Counterfeit Goods Bill and the Intellectual Property Laws Amendment Bills, thereby enhancing its IPR protections.

While South African IPR laws and regulations are largely in keeping with TRIPS (Trade Related Aspects of Intellectual Property), there are still concerns about increasing copyright piracy and trademark counterfeiting. The U.S. is working with the South African Government on ways to further enforce existing IPR legislation.

Additional information on South African rules and registration procedures for patents, trademarks, and copyrights can be obtained from:

Department of Trade and Industry
Trademarks, Patents, Design and Copyright
Private Bag X84, Pretoria, 0001
Tel: (27 12) 310-8700/8707; Fax: (27 12) 323-4257/321-5025
www.cipro.gov.za
ceciliap@cipro.gov.za

Section IX. Import Procedures:

There are numerous documentary requirements depending on the product. The importer and exporter should always conduct a thorough investigation into the documentary requirements before shipping consignments. All documentations should be written in English or any other official languages.

Irrespective of the mode of transport used when importing goods, the importer or his freight forwarder is required to present the following documents to the customs authorities:

Bill of entry: Goods may not be imported into South Africa unless a bill of entry is submitted to and accepted by the customs authorities. An original of the form, a DA500 is required by Customs.

Customs Worksheet: This is a customs document which details rates of exchange and conversion of rates of the foreign currency amounts into South African Rands.

Commercial invoice: The commercial invoice must be presented to customs with the bill of entry as well as relevant transport documents to be stamped by customs. This enables customs to check the validity of the value of a consignment of goods as stated in the DA500.

Import permit (if necessary): This document is required for certain goods and commodities only in terms of import control regulations. If an import permit is required, the import permits number and the expiry date should appear on the DA500.

Special import certificates or permits: Apart from those goods requiring an import permit, a number of products are subject to inspection and/or to the issue of special permits by certain authorities prior to the goods being imported.

Transport documents: i.e. the Bill of Lading (sea), the air waybill (air), the freight transit order (rail), and the road 'waybill'.

If all documentation is in order, the documents will be stamped by customs and excise and, once the import duties, excise duties (if applicable), and VAT have been paid, the goods will be cleared through customs.

Certificate of Origin (DA59): Certain strategic commodities and goods facing anti-dumping charges require a certificate of origin. Goods claiming preferential treatment in respect of tariffs also require proof of origin.

When goods are sea freighted, customs clearance is performed at the port of entry. Customs clearance for goods destined inland, like in Gauteng, is performed at the Customs Depot in Johannesburg. Custom clearance for air freighted goods is performed at either Johannesburg or Cape Town International Airport for large consignments and at Lanseria Airport for smaller consignments.

All goods declared for consumption must be landed and entered into South Africa within 7 days after the arrival of the importing ship or the extended time allocated by the Secretary for Customs. Consignments which are not unloaded within the specified period will be conveyed to a custom warehouse. If the goods are not properly entered and all duties and charges are not paid within 3 months after the goods have been placed in a customs warehouse, they may be sold at public auction. Goods may be stored in bond, without payment of duties, in any bonded warehouse or in an unbonded warehouse approved by the Secretary for Customs. State warehouses are also available.

The basic procedures, which apply to the import of food and agricultural products are as follows:

Determine whether your agriculture products can enter South Africa. Only acceptable countries (as determined by the relevant regulatory body) may export food and agriculture products to South Africa (e.g., select bovine parts from a number of countries are banned in South Africa).



It is best to have a reputable importer/distributor in South Africa who can apply for any necessary applications and fill out appropriate paperwork. The office of Agricultural Affairs in Pretoria can recommend several different importing companies for most food products.



In the case of meat and poultry, imports can only be made from foreign meat establishments (i.e. abattoirs/slaughterhouses), which are accredited by the Department of Agriculture. All U.S. federally inspected and approved meat establishments located in the United States are eligible to export to South Africa.



Import licenses/permits must be obtained from the relevant regulatory body for the goods to be imported to South Africa before the products are shipped from the exporting countries. Veterinary Quarantine Certificates and Import Permits must be obtained prior to importation.



All agricultural and food products entering South Africa must be accompanied by a phytosanitary or health certificate issued by the regulatory body in the exporting country. This is required to be submitted for inspection along with the import permit to facilitate physical inspection of the goods and customs clearance at the port of entry.

A new rule in the Agricultural Pest Act of 1983 (Act no. 36 of 1983), implemented on April 20, 2006, requires an import tariff permit of R50-00 for controlled goods (any live or dead part of a plant, pathogen, insect, exotic animal, growth medium, infectious materials, honey, beeswax, or used apiary equipment).

Import permits are valid for one year for the following: seeds (maximum 10 genera, or 2 species of 5 genera); rooted plants (maximum 10 genera); various other planting materials (max. 8 Genera); fruits and vegetables (10 Genera/types); cut flowers (10 types); 10 types/genera of timber (only those not published in R1013); bio-control agents/research organisms (10 species/host species) and growing media.

For further information, the permit offices can be reached at: Tel: 27-12-319-6102; 27-12-319-6531; 27-12-319-6396 or 27-21-809-1617.

Appendix I. Government Regulatory Agency Contacts:

IMPORT PROCEDURES FOR MEAT & MEAT PRODUCTS

National Department of Agriculture

Tel: +27 12 391 7700

Fax: +27 12 329 6892

E-mail: ElmarieV@nda.agric.za

VETERINARY IMPORT APPLICATION FORMS

National Department of Agriculture

Tel: +27 12 391 7514

Tel: +27 12 319 7414

IMPORT PROCEDURE OF NON-PERISHABLE CONSIGNMENTS

Department of Health

Tel: (+27) 12-421-1124

IMPORT PERMITS FOR SEEDS AND PLANT MATERIALS

National Department of Agriculture

Tel: +27 12 391 6102

Tel: +27 12 319 6531

Tel: +27 21 809 1617

FOOD CONTROL HEAD INSPECTOR

Tel: (+27) 12-312-0159

MAXIMUM RESIDUE LIMITS

Department of Health-Food Control

Tel: (+27) 12-312-0154

FOOD CONTROL: FOOD SAFETY

Department of Health

Tel: +27 12 312 0885

Fax: +27 12 312 3180

E-mail: pretoa@health.gov.za

CODEX POINT OF CONTACT

Department of Health

Tel: +27 12 312 0885

Fax: +27 12 312 3180

E-mail: pretoa@health.gov.za

REGULATORY NUTRITION

Department of Health

Tel: +27 12 312 0163

Fax: +27 12 312 3180

E-mail: booyza@health.gov.za

FOOD CONTROL: CHEMICAL SAFETY

(Pesticides and other contaminants)

Department of Health

Tel: +27 12 312 0154

Fax: +27 12 312 3180

E-mail: molefs@health.gov.za

BIOTECHNOLOGY AND EXPOSURE ASSESSMENT

Tel: +27-12-312-3161

Fax: +27-12-312-3162

Email: chandr@health.gov.za

FOOD CONTROL: IMPORTS

Department of Health

Tel: +27 12 312 0159

Fax: +27 12 312 3180

E-mail: campbbp@health.gov.za

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Department of Trade and Industry

Tel: +27 12 310 8700

Tel: +27 12 310 8707

Fax: +27 12 323 4257

Fax: +27 12 321 5025

Port Health Services

GAUTENG

Johannesburg (Airport)

Tel: +27-11-970-1372

Fax: +27-11-394-3605

Contact person: Ockert Jacobs

E-mail: importgt@xsinet.co.za

Johannesburg (City Deep Container Depot)

Tel: +27-11-613-5522

Fax: +27-11-613-3013

Contact person: Paulus Jacobs

Lanseria (Airport)

Tel: +27-11-701-2866

Fax: +27-11-701-3447

Contact person: Dennis Motaung

KWA-ZULU NATAL

KZN Head Office

Tel: +27-33-846-7506

Fax: +27-33-846-7272

Contact person: Antoinette Hargreaves

E-mail: Antoinette.hargreaves@kznhealth.gov.za

Durban

Tel: +27-31-301-0381/2

Fax: +27-31-301-0385
Contact Person: Debbie Naidoo
Email: Debbie.naidoo@kznhealth.gov.za

EASTERN CAPE

Port Elizabeth
Tel: +27-41-374-4100
Fax: +27-41-373-4516

East London
Tel: +27-43-743-7733
Fax: +127-41-743-0032

WESTERN CAPE

Cape Town Harbour
Tel: +27-21-421-1124
Fax: +27-21-418-5685
Mobile: 072-299-6913
Email: importctn@xsinet.co.za

Cape Town Airport
Tel: +27-21-3934-0229/+27-21-396-3188
Fax: +27-21-936-3187
Contact Person: Mr. M. Slabber

MPUMALANGA

Nelspruit (Head Office)
Tel: +27-13-766-3448/ +27-13-766-3449
Fax: +27-13-766-3473/+27-13-766-3473
Contact person: Ms Careen Swart/Mr. Stanley Mkhabela
Email: esterm@social.mpu.gov.za; jeanl@social.mpu.gov.za

Oshoek (Swaziland)
Tel: +27-17-811-2031
Fax: +27-17-811-5104
Mobile: 082-373-1839/0866225553
Contact Person: Ms Careen Swart/Mr. Stanley Mkhabela

Email: careens@social.mpu.gov.za; stanleymk@social.mpu.gov.za

Lebombo (Mozambique)

Tel: +27-13-793-7183

Fax: +27-13-793-7193

Email: annamariae@social.mpu.gov.za

Mpumalanga Kruger International Airport

Tel: +27-13-751-1940

Fax: +27-13-751-1940

Contact person: Mr. Herbert Mbuli

Email: importgt@xsinet.co.za

FREE STATE

Bloemfontein

Tel: +27-51-408-1540/1

Fax: +27-51-408-1070

Contact person: Mr. M.J. Mokgatle

Email: mokgatlm@fshealth.gov.za

NORTHERN CAPE

Northern Cape Head Office

Tel: +27-53-830-0538

Fax: +27-53-830-0667

Email: dstander@kbhsp.ncape.gov.za

Siyanda District – Upington

Dept. of Health

Tel: +27-54-331-2120

Fax: +27-54-332-2642

Contact person: Joey du Plessis

Email: jduplessis@uphosp.ncape.gov.za

NORTH WEST

North West Head Office

Tel: +27-18-862-2567

Mobile: 082-862-2567

Contact Person: Mashudu Mainganyane (Port Health Manager)

Enforcement by local authorities

Government Gazette no. 557 of May 23,2008 authorizes the following local authorities to enforce section 10(3)(b), 11, and 24 of the FC&D Act(1972) within their area of jurisdiction and through duly authorized officers:

- Pixley ka Seme District Municipality
- Namakwa District Municipality
- Umkhanyakude District Municipality
- Waterberg District Municipality
- Chris Hani District Municipality

The authorization of the local authorities included in the schedule below and which are presently situated within the area of jurisdiction of the above-mentioned local authorities, are withdrawn according to section 23(3) of the Act:

LOCAL AUTHORITY	GOVERNMENT NOTICE	LOCAL AUTHORITY	GOVERNMENT NOTICE
Britstown	R2840 of 1979	Springbok	
Colesberg	R33 of 1984	Williston	R268 of 1986 & R866 of 1973
De Aar	R1855 of 1988	Ellisras	R267 & 268 of 1987
Griquatown	R387 of 1994	Naboomspruit	R2001 of 1979
Hanover	R2126 of 1992	Nylstroom	R2140 of 1979
Hay Divisional Council	R642 of 1987	Potgietersrus	R2040 of 1975
Hope Town	R179 of 1984	Warmbaths	R2001 of 1979
Noupoort	R1925 of 1980	Thabazimbi	R2779 of 1979
Prieska	R1425 of 1976	Cradock	R2154 of 1976
Prieska Divisional Council	R719 of 1976	Middleburg	R180 OF 1984
Richmond	R1440 of 1994	Stormberg DC	R1272 of 1992
Calvinia (listed as Divisional Council)	R29 7 of 1977		
Fraserburg	R2037 of 1991		
Loeriesfontein	R279 of 1977		
Port Nolloth	R1569 of 1976		

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) 12-431-4711
Fax: (+27) 12-342-2264
E-mail: agPretoria@usda.gov

Animal and Plant Health Inspection Service (APHIS)
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

Author Defined:

Disclaimer

This report was prepared by the Office of Agricultural Affairs of the USDA/Foreign Agricultural Service 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 goods 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.