



health

Department:
Health
REPUBLIC OF SOUTH AFRICA

Guidelines on:

Criteria for evaluation of dossiers containing applications to use certain endorsement logos on foodstuff labels and advertising thereof according to the latest Regulations relating to the Advertising and Labelling of Foodstuffs (No. R 146 of 2010).

Version 1: August 2013

The Regulations Relating to the Labelling and Advertising of Foodstuffs (No.R.146 of March 2010 as amended), which were published by the Minister of Health under Section 15 of the Foodstuffs Cosmetics and Disinfectants Act, 1972 (Act No. 54 of 1972), provides for in Regulation 13(a)(ii), the prohibition of certain information or declarations to be reflected on a label or advertisement of a foodstuffs, including words, pictorial representations, marks, logos or descriptions which create an impression that such a foodstuff is supported, endorsed, complies with or has been manufactured in accordance with recommendations by organizations, associations, foundations and other entities. The regulation also requires that the use of such information or declarations be considered by the Department of Health and approved by the Director-General, based on the evidence provided as verification that your organization is involved in generic health promotion, supported by evidence-based nutrition, as well as that the aims of your organization do not contradict the requirements of these regulations related to nutritional claims, based on the criteria thereof.

It is for this purpose that the Department of Health, Directorate: Food Control compiles these Guidelines to assist in the compilation of applications for endorsement of certain logos as explained below.

1. Which type endorsements are excluded from the requirement to obtain permission from the Director-General of Health?

Endorsing entities such as:

- religious certifying entities
- any Fauna and Flora related certifying and endorsing entities
- other entities which focus on certifying certain quality aspects of foodstuffs

2. Which types of endorsements are required to obtain permission from the Director-General of Health through an independent entity?

The endorsement logos of endorsing entities which are involved in generic health promotion activities which promote the reduction of risk of developing one or more particular non-communicable disease(s) of lifestyle (e.g. cancer, coronary heart disease, diabetes mellitus, obesity, poor oral hygiene, osteoporosis, et cetera).

3. What process should be followed to obtain approval from the Director-General of Health?

- A hard copy of the dossier (in triplicate, unless otherwise indicated) should be delivered to the offices of the Department of Health, addressed to the Director-General. The dossiers shall contain all the information indicated below under point 8.
- The physical address is:
Department of Health
Directorate: Food Control
3rd Floor Civitas Building, South Tower
Corner of Thabo Sehume and Struben Streets
Pretoria, 0001
- An electronic copy of the dossier shall be forwarded to:

Booyza@health.gov.za, copy to PienaE@health.gov.za

4. In which legal document can the requirement to obtain approval be found?

The requirement to obtain approval can be found in Regulation 13(a)(ii) of the current Regulations Relating to the Labelling and Advertising of Foodstuffs, No. R 146 of 1 March 2010.

5. Who serves on the *Ad Hoc* evaluating Committee?

The *Ad Hoc* Evaluating Committee comprises of at least one or more technical/professional staff member(s) from the following Directorates:

- Food Control (Convener of meetings and Chair)
- Nutrition
- Non-communicable diseases
- Oral health (only when the endorsement logo relates to oral health)

6. How often are meetings convened?

The meeting are convened once every 6 months, provided applications were received during that time period:

Period in which applications are received	Month in which applications received will be evaluated
February to July	August
August to January	February

7. Are there any financial costs involved?

There are no financial costs involved.

8. What information must be included in each dossier?

8.1 Information regarding the endorsing entity

Proof that-

- 8.1.1 the endorsing entity is not related to, independent of and free from influence by the supplier/manufacturer of food in relation to which an endorsement is made; and
- 8.1.2 the supplier/manufacturer of food has no financial interest in the endorsing entity nor receiving any benefits from applying the endorsement except to use the logo on labels of qualifying foodstuffs, has not established the endorsing body either by itself or with others, and exercises no direct or indirect control over the endorsing body.

8.2 General criteria to comply with before an endorsement will be considered

- 8.2.1 The foodstuff to be endorsed shall be fully compliant with all applicable Regulations published under the Act (Act No. 54 of 1972);
- 8.2.2 The criteria used by the endorsement entity to determine whether a specific foodstuff is suitable to bear its logo, shall not contradict the requirements of the Regulations Related to the Labelling and Advertising of Foodstuffs in terms of nutrition and health claims and the criteria thereof;
- 8.2.3 The foodstuff to be endorsed shall be eligible for making a nutrient or health claim according to the Nutrient Profiling Model. Endorsement logos, nutrient or health claims should not **mask** certain undesirable nutritional qualities or nutritional content of a food and thus mislead the consumer;
- 8.2.4 In the case of fruit or vegetable juices being endorsed, the fruit or vegetable juice shall not contain added fructose, shall qualify for the “no sugar added” claim and shall have a dietary fiber content per 100 ml that equals the dietary fiber content of 100 g of the same fresh fruit or vegetable;
- 8.2.5 Evidence shall be included in the dossier which provides proof that the endorsement entity is actively involved in projects aimed at promoting **"evidence-based nutrition"** and **"generic health promotion"** (see definitions of these terminology in Regulation 1 in R146/2010) ;
- 8.2.5.1 Generic health promotion**: Examples of what is promoted by the logo as well as examples of how it was done. Any health promotion activities may not be restricted

to one category of foodstuffs only, e.g., breakfast cereals, but have to include foodstuffs from as many foods groups or categories as possible:

- a) Any brochures, leaflets, posters et cetera;
- b) Any media statements, internet information, printed material, advertisements, or any other methods of communication used to communicate to the target group(s);
- c) Proof of Projects in which the endorsement entity is involved in to educate the public about the particular health concern(s) the endorsement entity is focussing on;
- d) Proof that what the logo promotes, is making a difference to the consumer's health/behaviour to improve their attitudes, proof that consumers really benefit from having this endorsement and how the endorsement campaign changed consumers' shopping behaviour/patterns et cetera;
- e) An indication of the population group(s) which is(are) targeted; and
- f) A complete, full size, colour copy of the logo printed on a A4-size paper.

8.2.5.2 Evidence-based nutrition:

- a) Which public health considerations are taken into consideration? Public health considerations are those which are identified by the National Department of Health. Any Evidence-based nutrition should be based on generally accepted scientific evidence relative to the relationship between diet, nutrition and health (the scientific rationale);
- b) A copy of the endorsement entity's nutritional criteria that are applied to select a particular product for the endorsement logo and the scientific rationale for it; and
- c) The food groups/categories which are targeted.