

REGULATION – LABELLING AND ADVERTISING

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NOTE: GN No. R. 2034 of 1993 (Regulations regarding Labelling and Advertising of Foodstuffs repealed GN No. R. 908 of 27 May 1977, as amended, in so far as it relates to FOODSTUFFS

The Minister of Health has, in terms of section 15(1) of the Foodstuffs, Cosmetics and Disinfectants Act, 1972 (Act No. 54 of 1972), made the following regulation, which may be applied from the date of publication hereof but shall be applied from the date 12 months after the date of publication, except in the case of subregulation (30), which shall become effective three months after the date of publication.

Definitions

- (1) **“address”** means an address in the Republic and shall include the street or road number (if a number has been allotted), the name of the street or road and the name of the town, village or suburb and, in the case of a farm, the name of such farm and of the magisterial district in which it is situated;

“food additive” shall mean any substance not normally consumed as a foodstuff, intentionally added to a foodstuff for a technological (including organoleptic) purpose, but in order shall not include substances added to improve nutritional value;

“food vending machine” shall mean a mechanical apparatus by means of which foodstuffs are sold;

“greatest area”, in relation to a rectilinear or approximately rectilinear package, shall mean the area of the side with the greatest area, and, in relation to a package with a different shape, 25 percent of the complete outer surface of such package;

“ingredient” shall mean an individual foodstuff that is combined with one or more other foodstuffs to form a compounded foodstuff;

“letter” shall include a digit;

“main panel” shall mean such part of the label as bears the brand or trade name of the product in greatest prominence and any other part of the label as bears the brand or trade name in equal prominence;

“name”, in relation to the description of a foodstuff, cosmetic or disinfectant, shall mean a word or words giving a true description of such foodstuff, cosmetic or disinfectant, which may be coined or fanciful, provided it is not misleading;

“permitted” shall mean permitted in terms of the Act;

“prepacked foodstuff” shall mean any foodstuff packaged in a container before being seen by the purchaser and ordinarily sold to or purchased by a person without being repacked;

“recommended daily dietary allowances (RDA)” shall mean the amounts indicated in the Annex;

“serving” shall mean the mass or volume, as the case may be, of a foodstuff which is recommended by the manufacturer as the normal amount to be consumed as such or as part of a normal meal by an adult male engaged in light physical activity, or in the case of a foodstuff intended for consumption by a person under four years of age, by an infant or child under the age of four years: Provided that such serving shall be stated in terms of grams or milliliters;

List of ingredients

- (2) (a) The names of ingredients as required in terms of section 3 of the Act shall be in descending order of mass or volume: Provided that the following ingredients may be shown in any order at the end of the list of ingredients:
 - (i) Spices, seasonings and herbs;
 - (ii) flavours and flavour enhancer;
 - (iii) vitamins and their salts or derivatives;
 - (iv) mineral nutrients and their salts;
 - (v) food additives.
- (b) Where, owing to seasonal contingencies, it is not possible to abide consistently by the list of ingredients as indicated on the label, all the ingredients, the consistent presence of which is uncertain, shall appear consecutively but not necessarily in descending order of mass or volume in the list of ingredients, preceded by “and/or”.

Identification

- (3) Subject and supplementary to the other provisions of the Act, any person who manufactures, imports or sells a prepacked foodstuff, cosmetic or disinfectant shall ensure that it bears a label stating -
 - (a) the **name** of the foodstuff, cosmetic or disinfectant on the main panel in letters not less than 4 mm in height, except in the case of bottled soft drinks bearing an embossed label, which may display the name on the cap in letters not less than 1,5 mm in height; and
 - (b) the **name and business address or the manufacturer** or seller or person on whose behalf such article was prepacked.

Prepacked

- (4) Statements required to appear on the label shall be **clear, prominent and readily legible** to the purchaser and shall, except in the case of the information required in terms of section 3(1) of the Act and subregulations (3)(b), (26) and (29), and in the case of statements reading the

presence of additives, and save as otherwise provided in subregulation (3)(a), be on the main panel. Any word which forms part of the name of the foodstuff, cosmetic or disinfectant shall be in bold print and no letter in any such word shall be less than half the size of the largest letter used in the name.

Language

- (5) Save as otherwise provided, information required to appear on the label in terms of the Act shall be in either or both of the official languages.

Size of lettering

- (6) (a) Subject to the provisions of paragraph (b), and where no size of lettering is prescribed, information required to appear on the label in terms of the Act shall be in letters not less than 1,0 mm in height.
- (b) The size of lettering prescribed by regulation shall apply to packages whose greatest area exceeds 12 000 mm². In the case of smaller packages, those whose greatest area does not exceed the area indicated in column I of the following table may bear the required information in letters whose height is not less than the proportion indicated in the corresponding line of column II of the height prescribed by regulation:

I	II
mm ²	%
12 000	85
8 000	70
5 000	50
3 000	25

- (c) Words which qualify the name of the foodstuff or are an essential part of the description thereof shall be in immediate proximity to the name and in prominent letters at least one-third of the size of the name of the foodstuff.
- (d) Statements of ingredients and proportions thereof (where required) shall be in type of uniform size and prominence throughout: Provided that the first letter of a word may be larger than the letters of the rest of the word.

Prohibited statements

- (7) (a) Any person selling any foodstuff, cosmetic or disinfectant bearing a label with the words "recommended by doctors" or any other word or words or pictorial representation implying that medical practitioners in general recommend its use, shall be guilty of an offence.
- (b) Any person selling a foodstuff or cosmetic bearing on a label any word, indication or claim that conveys that impression that the foodstuff or cosmetic possesses health-giving properties shall, unless such word, indication or claim can be scientifically substantiated, be guilty of an offence

Bulk stock

- (8) Every sealed package containing the bulk stock from which an unlabelled foodstuff is to be taken for immediate sale shall bear a label giving all information required by the Act in letter not less than 4 mm in height (unless the information is required by regulation to be in larger letters) and so placed as to be easily legible to the purchaser: Provided that the information required in terms of section 3(1) of the Act, subregulations (3)(b), (26) and (29) and statements regarding the presence of food additives may be in letters not less than 1,0 mm in height. However, if the packages of foodstuffs contained in the bulk container are labeled as prescribed, only subregulation (3) shall apply to the outer or bulk containers.

Additives

- (9) Any person selling a food additive which does not bear a label -
- (a) reflecting the words “for use in foodstuffs” or words of a similar meaning in letters not less than 2 mm in height;
 - (b) stating clearly its composition and, in the case of sulphur dioxide compounds, the percentage of sulphur dioxide which the contents will yield, shall be guilty of an offence.

Preservatives

- (10) The presence of a preservative in a foodstuff shall be shown as follows in the list of ingredients:
‘Preservative*.....’ or ‘*..... (preservative)’

Colourants

- (11) (a) The words “food colourant”, “food colouring” or “food colour” and the number allocated to the specific colourant in the latest edition of the *Colour Index of the Society of Dyers and Colourists, England*, shall be reflected on the label of any colourant intended for colouring foodstuffs.
- (b) Where caramel is added or applied to bread, the words “caramel coloured” shall appear on the label in letters not less than 3mm in height.
- (c) No person shall sell any foodstuff containing the colourant tartrazine, C.I. No. 19140, unless the word “tartrazine” appears in the list of ingredients in letters not less than 2mm in height.

Flavouring substances

- (12) Every package containing any artificial or synthetic flavouring substance for use in food shall bear a label with the word “imitation” or “artificial” or “synthetic” or “prepared with synthetic ingredients” in letters not less than 2mm in height.

Natural and artificial sweeteners

- (13) Where artificial sweeteners are added to foodstuffs -
- (a) the names of such artificial sweeteners in the list of ingredients shall be immediately followed by the words “a non-nutritive artificial sweetener”;
 - (b) the words “no sugar added”, “without added sugar” or “sugar added”, as the case may be, shall appear on the label in letters not less than 2 mm in height: Provided that in

- the case of foodstuffs containing no sugar, added or otherwise, the word or words “sugarless” or “sugar free” may be used;
- (c) the name of the foodstuff shall be immediately preceded by the words “ARTIFICIALLY SWEETENED” in letters of the same size and prominence as the name of the foodstuff.

Nitrite and/or nitrate

- (14) Every package containing nitrite and/or nitrate and any of the following substances: Spices, spice extracts, monosodium glutamate and hydrolysed or unhydrolysed vegetable protein, the nitrate and/or nitrite being, as required by regulation, packed separately from the other substances, shall bear a label on which the words “Mix immediately before use” appear in letter not less than 2mm in height.

Acid phosphate

- (15) Every package containing acid phosphate for use in foodstuffs shall be labelled with the words “acid phosphate” in letters not less than 3mm in height. The words “cream of tartar” or any lettering suggesting cream of tartar or tartaric acid shall not appear on any such label.

Sea food

- (16) (a) The words “uncooked – keep frozen” or “raw – keep frozen”, which is preferred, or “partly cooked – keep frozen”, shall appear in letters 3mm in height on the label of every package containing uncooked or partly cooked sea foods, as the case may be.
- (b) The words “cooked – keep frozen” shall appear in letters not less than 3mm in height on the label of every package containing cooked sea foods.

Meat products

- (17) Meat products, other than canned meat products, which have been vacuum-packed shall be effectively sealed and shall bear a label with the words “keep refrigerated” in letters not less than 3mm in height.

Water content

- (18) Unless otherwise specifically required, water need not be included in the list of ingredients

Infant foodstuffs

- (19) Foodstuffs intended for infants 12 months of age or younger -
- (a) shall bear a label indicating in both official languages that breast feeding should be the first choice;
- (b) which contain neither milk nor any milk derivative shall be labeled “free from milk and milk products”;
- (c) shall bear a label with directions for -
- (i) preparation of the foodstuff for consumption, including use of sterilized equipment, etc.;
- (ii) method of feeding;
- (iii) frequency of feeding;

- (iv) method of keeping prepared food prior to feeding;
- (v) amount to be fed at a feeding; and
- (d) shall bear a label indicating the composition of the powder.

Food vending machines

- (20) No person shall sell a foodstuff not itself contained in a package labeled as required by means of a vending machine unless such vending machine or the foodstuff container which is used in conjunction therewith and which shall be visible to the purchaser at the time of purchase bears a label reflecting in letters not less than 4mm in height all information required by the Act: Provided that the information required by section 3(1) of the Act, subregulations 3(b), (26) and (29) and information regarding the presence of food additives may be in letters not less than 1,0mm in height.

Pictorial representation

- (21) Unless a foodstuff is contained in a transparent package so that the contents are recognizable no pictorial representation which includes a foodstuff not contained in the package and which might lead the consumer to believe that such foodstuff is contained in such package shall appear on the label of a foodstuff, unless the words “serving suggestion” or words, indicating the justification for the use of such pictorial representation are superimposed on or in immediate proximity to such pictorial representation in bold type not less than 3mm in height.

Wheaten flour

- (22) Every package containing wheaten flour which has been treated with chlorine gas shall bear a label with the words “treated with chlorine gas” in letters not less than 3mm in height.

Skim milk

- (23) Every package containing dried, condensed, evaporated or concentrated skim or separated milk, whether sweetened or unsweetened, shall bear a label with the words “prepared from skim milk” in letters not less than 3mm in height.

“Natural”

- (24) Except where otherwise provided, any person shall be guilty of an offence if he sells a foodstuff described as “natural” if such foodstuff contains any ingredient which is not present in such foodstuff in the natural form of such foodstuff or if any foodstuff ingredient which is present in the natural form of such foodstuff is removed therefrom.

References

- (25) Any person shall be guilty of an offence if he sells a foodstuff, cosmetic or disinfectant on the label of which any reference is made to the Act or the regulations, or the Department of Health or any official of the Department of Health.

Diluted foodstuffs

- (26) Any person shall be guilty of an offence if he sells a foodstuff which is intended to be diluted before consumption otherwise than in a package bearing a label with instructions as to how it is to be diluted for consumption. In the case of foodstuffs for persons of three years of age or under, this information shall be in both official languages.

Cosmetics

- (27) (a) Any person shall be guilty of an offence if he sells a coal-tar hair dye which does not bear the following legend:
 “**Caution** – This product contains ingredients which may cause skin irritation in certain persons and a preliminary test according to the accompanying directions should first be made. This product must not be used for dyeing the eyelashes or eyebrows; to do so might cause blindness”.
 The word “CAUTION” shall be in letters not less than 2mm in height, and adequate directions shall be given for such preliminary testing.

Soap

- (b) Any words indicating or suggesting special excellence or superiority shall not appear on or on the label of any soap which contains less than 62 per cent of fatty acids of which not more than one-quarter may be replaced by resin acids, or more than 0,1 per cent of free caustic alkali, calculated as sodium hydroxide (NaOH).

Fluoride toothpaste

- (c) Both the outer package (when used) and the inner package of toothpaste containing fluoride shall bear a label with the words “Fluoride Toothpaste” or “Fluoride Dental Crème” in clearly legible letters not less than 3mm in height.

Disinfectants

- (28) Any person shall be guilty of an offence if he sells a disinfectant which does not bear a label stating -
- (a) full directions for use, including the proportion, strength or dilution in which it is effective, in both official languages; and
 - (b) the names of its active ingredients and the percentage or proportion of each or, in the case of liquid germicides belonging to the phenol or cresol group, its germicidal power of efficacy, expressed in numerical terms as compared with the germicidal power of efficacy of pure carbolic acid, in letters not less than 4mm in height.

Nutrition information

- (29) (I) Unless specifically otherwise provided, any person shall be guilty of an offence if he sells a foodstuff bearing on the label as to the nutritive value of the foodstuff unless -
- (a) in the case of a general claim that the foodstuff is fortified or nutritious, or that it provides balanced nutrition or that it is nutritionally complete or that it will increase mass, or that it will reduce mass, the label also reflects the following:
 - (i) The heading “Nutrition Information”;
 - (ii) An indication of the mass or volume of serving;

- (iii) An indication to the nearest kilojoule of the energy content of a serving;
 - (iv) an indication of what percentage of the RDA each of the following nutrients represents when present in a serving in amounts of more than 2 per cent, listed in the following order:
 - Vitamin A;
 - Vitamin C;
 - Thiamine;
 - Riboflavin;
 - Nicotinamide;
 - Calcium;
 - Iron;
 - Vitamin D;
 - Vitamin E;
 - Biotin;
 - Folic acid;
 - Pantothenic acid;
 - Vitamin B₆;
 - Vitamin B₁₂;
 - Phosphorus;
 - Iodine;
 - Magnesium;
 - Copper;
 - Zinc;
 - (v) the amounts in grams of proteins, carbohydrates and fats present in a serving;
 - (vi) and indication of what percentage of the RDA for persons of the age group for which the foodstuff is intended each nutrient in the serving represents when packed;
 - (b) in the case of a claim in respect of nutrients specified in such claim, the label also reflects the following:
 - (i) The heading "Nutrition Information";
 - (ii) an indication of the mass or volume of a serving;
 - (iii) the amount(s) of the nutrient(s) in respect of which the claims are made present in a serving when packed;
 - (iv) an indication of what percentage of the RDA for persons of the age group for which the foodstuff is intended the nutrients in a serving for which claims are made represents: Provided that no claim shall be made in respect of protein present in an amount of less than 5 per cent of the RDA and any other nutrient present in an amount of less than 2 per cent of the RDA.
- (II) Claims regarding the nutrient content of a foodstuff shall not refer to any foodstuff not in the package: Provided that in the case of a foodstuff which is an adjunct to the foodstuff in the package but is not itself in the package such claims may be made provided further that it is clearly indicated that such claims do not refer to the foodstuff in the package. In such cases all nutrition information shall also be given in respect of the foodstuff actually in the package.

- (III) For the purposes of nutrient labeling the standard RDA shall be as indicated in the Annex.

Protein in children's foodstuffs

- (IV) In the case of foodstuffs intended for persons three years of age or younger the sources of protein shall be clearly indicated.

Advertising

- (30) No advertisement relating to a foodstuff, cosmetic or disinfectant shall contain any information which is not permitted to appear on the label of any such foodstuff, cosmetic or disinfectant.

Date code

- (31) Any person shall be guilty of an offence if he sells a canned foodstuff which does not bear a label indicating by means of a code number the date of manufacture. The key to such code number shall be revealed to an inspector on demand.

Exemptions

- (32) (a) The ingredients mentioned hereunder, unless explicitly otherwise provided by regulation, shall, when present in a mixture, compound or blend, be exempt from the provisions of section 3(1) of the Act, relating to the specification on the label of the proportions or amounts in which the ingredients are present:

Acidifying agents.
 Animal fats.
 Animal oils.
 Anti-caking agents.
 Antioxidants.
 Bread improvers.
 Buffer salts.
 Cheese.
 Clouding agents.
 Cocoa.
 Coffee.
 Colourants.
 Condiments.
 Edible gums.
 Eggs.
 Emulsifiers.
 Enzymes.
 Flavouring agents.
 Fruit.
 Fruit juice.
 Gluten-containing cereal.
 Glycerine.
 Herbs.

Legumes.
 Maize, wheat, rice, rye, oats, barley.
 Meat and meat extracts.
 Meat protein.
 Milk solids.
 Non-sodium mineral salts (excluding added phosphates).
 Nuts.
 Permitted natural sweeteners.
 Preservatives.
 Propylene glycol.
 Sea foods.
 Sodium salts.
 Spices.
 Stabilisers.
 Starches.
 Thickeners.
 Vegetable fats.
 Vegetable oils.
 Vegetable protein.
 Vegetables.
 Yeast.

- (b) The ingredients of foodstuffs when present in a mixture, compound or blend may, except in the case of foodstuffs for persons 12 months of age or younger, unless explicitly otherwise provided by regulation, be indicated under the following classes:

Acidifying agents.
 Animal fats.
 Animal oils.
 Anti-caking agents.
 Antioxidants.
 Bleaching agents.
 Clouding agents.
 Colourants.
 Emulsifiers.
 Enzymes.
 Flavouring agents.
 Herbs.
 Maturing agents.
 Spices.
 Stabilisers.
 Starches.
 Thickeners.
 Vegetable fats.
 Vegetable oils.
 Vegetable gums.
 Vegetable when used in soup, sauces and meals.

- (c) Except where otherwise provided by regulation, the following foodstuffs shall be exempt from the requirements of section 3(1) of the Act:

- (i) Ice-cream, ice-cream mix, sherbet, coffee, tea, sugar confectionary, flour confectionary, chewing gum, yeast products, aerated or mineral waters and

- individual portions of food served as meals or parts of meals in catering establishments; and
- (ii) any drink falling –
 - (aa) within the provisions of the Liquor Act, 1928 (Act 30 of 1928); and
 - (bb) within the provisions of the Sorghum Beer Act, 1962 (Act 63 of 1962).
- (d) The following articles, sold as such, shall, unless explicitly otherwise provided by regulation, be exempt from the requirements regarding labeling:

Foodstuffs, cosmetics and disinfectants for sale outside the Republic.

Foodstuffs prepared on the premises on which they are sold for ready sale over the counter or by food vending machine.

Packages of foodstuffs taken from bulk stock.

Foodstuffs falling within the provisions of the Wine, Other Fermented Beverages and Spirits Act, 1957 (Act 25 of 1957), or any amended version thereof.

Milk and milk products for which labeling requirements are prescribed in terms of the Marketing Act, 1968 (Act 59 of 1968).

Disinfectants registered in terms of the Medicines and Related Substances Control Act, 1965 (Act 101 of 1965), or of the Fertilizers, Farm Feeds, Agricultural Remedies and Stock Remedies Act, 1947 (Act 36 of 1947).

Flour confectionery pre-packed in a wholly transparent package.

Fowl eggs.

Sausages, minced meat or boerewors unpacked or in a transparent package.

Fresh vegetables and fresh fruit.

Water.

Prepacked confections, commonly known as one-bite sweets, that are sold individually.

Any prepacked foodstuff sold together with other similar prepacked foodstuffs in an outer package which is labeled as required by regulation.

Prepacked or unprepacked individual portions of food that are sold as such or with meals or snacks.

The following foodstuffs, if not prepacked in sealed packages:

- (i) Fresh, frozen, chilled, salted, dried or smoked meat or fish;
- (ii) Processed meat products; and
- (iii) Wheaten, rye and oat products;
- (e) Confectionery and table jellies shall be exempt from the requirements of subregulation (21).
- (f) Jelly, fruit-jelly containing less than 0,6 per cent of added pectin or pectinous material and pineapple jam, strawberry jam, raspberry jam, blackberry jam, or gooseberry jam containing less than 0,3 per cent of added pectin shall be exempt from the requirement that thickeners shall be declared on the label.
- (g) Imported foodstuffs, cosmetics and disinfectants shall be exempted from the requirement regarding the address contained in subregulation 3(b).

Regulations 2, 5(5), 6(3), the second paragraph of 6(4), 6(5), 7(14), the last sentence of 13(3), 14(3)(b)(i) and (ii), 35bis(d) and 36(2) of the regulations under the repealed Food, Drugs and Disinfectants Act, 1929 (Act 13 of 1929), published under Government Notice 575 of 28 March 1930, as amended, and Government Notices R. 95 of 19 January 1973, R. 807 of 18 May 1973 and R. 685 of 26 April 1974 are hereby rescinded with effect from the date of coming-into-effect of the provisions of this notice.

ANNEX

RECOMMENDED DAILY DIETARY ALLOWANCES (rda)

	Unit	<i>Infants 0,0-1,0 years</i>	<i>Children 1-3 years</i>	<i>Persons 4 years of age and over</i>	<i>Pregnant or lactating women</i>
Energy*	kJ	460/kg body mass	5 500	12 600	11 000
Protein.....	g	2,2/kg body mass	23	56	76
Vitamin A activity:					
(1) Vitamin A.....	IU	2 000	2 000	5 000	6 000
(2) Retinol equivalents...	µg	400	400	1 000	1 200
Vitamin D.....	IU	400	400	400	400
Vitamin E activity.....	IU	5	7	15	15
Ascorbic acid (Vit. C).....	mg	35	40	45	80
Biotin.....	mg	0,15	0,15	0,30	0,30
Folic acid.....	µg	50	100	400	800
Pantothenic acid.....	mg	3	5	10	10
Thiamine (Vit. B ₁).....	mg	0,5	0,7	1,5	1,5
Nicotinamide.....	mg	8	9	20	20
Riboflavin (Vit B ₂).....	mg	0,6	0,8	1,8	2,0
Vitamin B ₆	mg	0,4	0,6	2,0	2,5
Vitamin B ₁₂	µg	0,3	1,0	3,0	4,0
Calcium.....	mg	540	800	800	1 200
Phosphorus.....	mg	400	800	800	1 200
Iodine.....	µg	45	60	150	150
Iron.....	mg	15	15	18	18
Magnesium.....	mg	70	150	400	450
Copper.....	mg	0,6	1,0	2,0	2,0
Zinc.....	mg	5	10	15	25

* Approximately 4,2 kilojoules (kJ) = 1 calorie