

Labelling

Food labelling: A brief overview for consumers

In South Africa there are many regulations which relate to the production, marketing and labelling of food to protect the consumer.

But what does it all really mean for consumers, how does it affect consumers and why should consumers be aware of the laws relating to food labelling? It is because there is expectation and trust on the part of the consumer. The consumer expects a supplier of foodstuffs to comply with the relevant laws relating to their product and trust that the manner in which the foodstuff is handled, and the information that is presented to the consumer regarding a product, is true and not misleading.

From allergen declarations, the amount of sugar present in a product right down to the storage instructions of a foodstuff, consumers are fast becoming more conscious of what is in their foodstuffs.

The most relevant laws with respect to the marketing and advertising of foodstuffs to consumers is the Consumer Protection Act, The Foodstuffs, Cosmetics and Disinfectants Act, hereinafter referred to as the Foodstuffs Act, the Agricultural Products Standards Act and the National Health Act as well as the Regulations that fall under each Act.

Below is a brief overview of the relevant laws a consumer should note and be aware of as well as where a consumer can go should they wish to issue a complaint:

Consumer Protection Act (CPA):

The CPA applies to any transaction in which goods or services are supplied to a consumer. "Goods" include "everything marketed for human consumption".

In terms of the CPA, a consumer has the right to information in plain and understandable language, the right to safe, quality goods and the right to fair and responsible marketing.

The CPA falls under the Department of Trade and Industry and in order to assist consumers with complaints against suppliers, the National Consumer Commission and the Consumer Goods and Services Ombud have been established to assist consumers with valid complaints in respect of goods that might be unsafe or information regarding the product that is misleading.

The Foodstuffs, Cosmetics and Disinfectants Act and the Regulations relating to the Act:

There are many mandatory requirements a supplier must comply with when displaying information on a label. What is worthy for a consumer to note is the following:

Date marking

Must be indicated on the label and in the following manner: "best before", "BB" and/or "use by" and/or "sell by". Any person is prohibited from removing or altering the date marking. However, it is important to note that when the "best before" dates have been reached, it does not mean that the food is unsafe, but that it may be past its best. "Use by" is somewhat more instructive and often applies to refrigerated items where the risk of microbiological spoilage can be expected to increase

after a given date. "Sell by" is a store guideline to ensure that goods still have a reasonable shelf life after sale.

Nutritional information

If there are claims made on a label, such as "High in fibre" it is mandatory to have a nutritional table on the label. If the nutritional table has been indicated on the label, whether voluntarily by the manufacturer or due to the fact that a claim has been made on the label, the Regulations relating to the Foodstuffs Act (R146) prescribes a very specific format in which the nutritional information must be presented. Amongst other requirements, the nutritional information must be presented in the tabular format, energy content must be declared in "kilojoules" or "kJ", and the amount of each nutrient present in the foodstuff must be expressed per 100 g/ml and per single serving.

Certain foodstuffs, however, are exempt from the requirements regarding labelling, unless of course a claim has been made. Foods such as eggs, fresh unprocessed vegetables, fresh unprocessed fruit, unprocessed fish, ready-to-eat foodstuff prepared and sold on the premises, unpacked or transparently-packed servings of foodstuffs sold as snacks on the premises of preparation, flour confectionary intended to be consumed within 24 hours and ice do not require a nutritional table.

Statements and claims

It is important for a consumer to note that certain statements and claims are prohibited or only allowed if certain requirements have been complied with. Words such as "fresh", "natural", "pure", "premium", "quality" etc., shall only be permitted if the product complies with criteria stipulated in the Guidelines to regulation R146 (Labelling and Advertising of Foodstuffs). Further nutrient content claims, for example claims such as "low in sodium" are also regulated and therefore as it is so strictly controlled by the Regulations, it is important to understand when such descriptors and claims can be used.

The Foodstuffs Act falls under the Department of Health. Should a consumer feel that a product is unsafe or misleading, they can file a complaint with a municipal environmental health practitioner who will investigate the matter further.

Allergens:

Common allergens must be declared on a label and the manner in which allergens must be declared is regulated by R146.

The Agricultural Product Standards Act (APS Act) and the Regulations that fall under the APS Act:

The purpose of the APS Act is to provide control over the sale and export of certain agricultural products, control over the sale of certain imported agricultural products; and control over other related products. Products such as fruit, vegetables, grains, poultry, meat and dairy to name a few, are all regulated under the APS Act.

The APS Act falls under the Department of Agriculture, Forestry and Fisheries and the purpose of the Department is to regulate the quality and food safety of certain agricultural products.

Conclusion

Labelling legislation in South Africa is complex and must be looked at as a whole and not each part in isolation. In addition to the multitude of legislations pertaining to food labelling, there is also no

single regulatory authority on labelling of foodstuffs. Bearing all this in mind, and although it can be a bit overwhelming, consumers must be aware of their rights and where to go should they have a complaint.

Suppliers and retailers must also take note of the many food labelling legislations which will impact their marketing, designing of labels and ultimately their relationship with the consumer. With new labelling Regulations in the pipeline gearing to replace R146, understanding the complex nature of our South African labelling legislation has never been more important.

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