Motivations for new additions or amendments to the new Draft Regulations Relating to the Advertising and Labelling of Foodstuffs, combining phase 1 (R146/2010) and the new phase 2 in one document

The numbering of the "new Regulations" includes phase 2 and linking it in with phase 1 and does not correspond anymore with the numbering in R146/2010

Regulation number	Indication:		Motivation
	New	Amendment	
Including phase 2 and linking it in with phase 1			
1 (**Definitions)**:			
• Antioxidant as a nutrient		√	Amended to correspond with nutrients in function claim table for which function claims in terms of their antioxidant properties will be permitted
• Fake food	√		Industry's new initiative to invent new "foods" with no nutritional value for which they make nutrient content claims. These fake foods consist mostly of chemical additives, and easily pass the Nutrient Profiling Model screening criteria in terms of nutrients that contribute to non-communicable diseases when ingested in too high amounts. Additives do not have any nutritive value! Fake foods are not proper foods and shall not be permitted to make any energy, nutrition or health claims.
• Fat		√	Amendment: Definition of R146/2010 did not correspond with method of analysis used by laboratories
• Food business operator	√		Simplification of text (one concept) when reference is needed to include all food business operators such as manufacturers, sellers, importers, packers, distributers *et cetera*
• Food home industry	√		Certain micro food businesses are exempted from having to provide mandatory nutritional information. Definition was based on SARS definition for micro business but was further customized for those small food businesses in mind. It was done upon a comment from one member of informal electronic working group that to require mandatory nutritional information for small home industries would not be affordable and may adversely impact of the livelihood of too many financially independent individuals.
• Formulated meal replacement	√		Definition essential for health claim regulation on slimming.
• Front of pack labeling (FOP)	√		Linked to nutrition and health claims
• Function claim	√		One of new categories of health claims
• Glycaemic carbohydrate		√	Amendment: Carbohydrate should read glycaemic carbohydrate which is scientifically accurate.
• Glycaemic Index	√		One of new categories of health claims

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	New	Amendment	
• Glycaemic Load	√		One of new categories of health claims
• Health claim	√		Inclusion of health claims was one of main reasons for the need for phase 2. The Acting Registrar of Medicines instructed in 2008 that all health claims be deleted from 2007 draft new Food Labelling Regulations (R642/2007) while complementary medicines Regulations are being developed
• Medicinal claim	√		Not defined in any other legislation ever. Needed to differentiate it from health claim.
• Nutrient Profiling Model	√		The development of a suitable Nutrient Profiling model was needed in order to proceed with health claims. Such model did not yet exist when phase 1 was ready for publication. The decision to publish in 2 phases was an agreement between the DoH and the Food Industry.
• Partially whole grain	√		New health claim on the concept of whole grain
• Polyol	√		Polyols are often used to replace sugar. However, the absence of sugars does not mean no energy. Polols provide energy and provision had therefore to be made for how and where it should be included in Nutritional information table in order to prevent consumer from being misled. Sugar-free chewing gums with an oral health claim often contain Xylitol, a polyol, but it does not mean an energy free product although it is a sugar-free product.
• Prebiotics	√		One of new categories of health claims
• Reconstituted whole grain	√		New health claim on the concept of whole grain
• Therapeutic	√		A therapeutic claim is the same as a medicinal claim. Was needed to clarify for food business operators.
• Weight loss	√		Needed for health claim on slimming
• Weight loss substance or ingredient	√		Needed for health claim on slimming
• Whole grain	√		Needed for new health claim on the concept of whole grain
• Whole grain flour	√		Needed for new health claim on the concept of whole grain
• Whole wheat	√		Needed for new health claim on the concept of whole grain
16(10(d)		√	Addition of wording to extend the application to all claims related to nutrition and health
16(2 and3)	√		Following the EU example of placing a time limitation on use of brand and trade name that implies health benefits without complying to the criteria for specific health claim
52 – Nutritional Information and related matters		√	Amendment: Linking phase 1 and 2 in matters of common interest to both.
53 Energy, nutrition, ingredient content and health claims	√	√	Amendment: Linking phase 1 and 2 in matters of common interest to both.
53(2 and 3)	√		Essential part of phase 2.

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	New	Amendment	
			Abuses by food industry by using generic names, brand names or trade-mark names which fall within the scope of these Regulations since 1993, were curbed. Claims were implied in these brand names or trademark names, with regard the generic or specific nutritive properties or generic or specific health-giving properties, through a play with words or part(s) of words which could be interpreted as or related to a nutrition, ingredient content or health claim, without these foods complying to criteria for the type of claim. Consumers were mislead to be made believe a promise which was essentially not the complete truth. The second abuse relates to where certain nutritional information about a particular nutrient or substance, is highlighted/emphasized somehow through colour differences of the letters or numbers, different background colour than the rest of the information, differences in font types, letter sizes, without being permitted (R991 of 2012: Infant food Regulations) or without complying with the qualifying criteria for that claim.
53(7 and 11)	√		Implementing the nutrient profiling model (NPM) and where the model did not pick up isolated cases of junk food (fake foods and beverages), additional criteria was put in place to close the gap left by the NPM. The NPM is the first screening criteria that will determine if a food will be eligible to make an energy, nutrition, ingredient content or health claim or an endorsement related to the reduction of risk of a non-communicable disease. No food which contain added fructose, added non-nutritive sweeteners, added fluoride or added aluminum through an additive or ingredient, shall be permitted to make any energy, nutrition, ingredient content or health claim; neither shall it be eligible to carry any endorsement logo(s) concerning health, ingredient content, nutrition, public health or reduction of risk for the development of non-communicable disease matters. **No added fructose, added non-nutritive sweeteners, added fluoride or added aluminum make any positive contribution to improve or maintain health.** These substances did not form part of the NPM's criteria and had therefore to be added to make a worthwhile difference. **Non-nutritive sweeteners:** Non-nutritive sweeteners are additives and may on the short term be safe, but conclusive evidence about potential long term harmful effects such as bladder cancer and appetite stimulating effects still remain elusive. Urologists at the Urology hospital in Pretoria advised patients diagnosed with bladder cancer to avoid all non-nutritive sweeteners with successful outcomes. **Added fructose:** There is a negative/adverse metabolic effect of a high intake of fructose per day (more than would be obtained from 2 servings of fruit per day), specifically in terms of- i.) Triglyceride levels;

Regulation number	Indication:		Motivation
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			ii.) Insulin resistance and overweight/ obesity; and iii.) The contribution of high fructose intake as a risk factor for the development of all chronic diseases of lifestyle. **Added fluoride:** In July-September 2006 the US National Research Council (NRC) of the USA, published a review: *Review of 2006 USNRC report on Fluoride in drinking water*, and a summary of their conclusion about fluoride is as follows 1) Moderate dental fluorosis is an adverse health effect occurring at fluoride levels of 0.7–1.2 mg/L, the levels of water fluoridation. 2) The Lowest Observed Adverse Effect Level (LOAEL) for bone fractures is at least as low as 1.5 mg/L and may be lower than this figure. 3) Stage II and Stage III skeletal fluorosis may be occurring at levels less than 2 mg/L. 4) Stage I skeletal fluorosis, (arthritis, clinically manifested as pain and stiffness in joints) is an adverse health effect which may be occurring with a daily fluoride intake of 1.42 mg/day, which is less than the amount the average person already obtains in their diet in non-fluoridated areas. The Maximum Contaminant Level Goal (MCLG) should be zero. 5) Decreased thyroid function is an adverse health effect, particularly to individuals with inadequate dietary iodine. These individuals could be affected with a daily fluoride dose of 0.7 mg/day (for a "standard man"). Since this is less than the amount already in the diet, the MCLG should be zero. 6) Fluoride has adverse effects on the brain, especially in combination with aluminum. Seriously detrimental effects are known to occur in animals at a fluoride level of 0.3 mg/L in conjunction with aluminum. The goal for this effect should also be zero. **Aluminum:** Aluminum is a heavy metal with no known nutritional benefits.
53(9) – Front-of-pack labelling	√		Affect nutrition claims in R146/20 as well as health claims of these new Regulations. No internationally agreed upon text is available – countries implement their own formats and criteria for this type of instrument. Comments from former Director of Nutrition were included.
53(10) – Use of South African Food based Dietary Guidelines Statements on Labels	√		Affect both phase 1 and 2. Comments from former Director of Nutrition were included.
53(12) – Fake	√		Industry's new initiative to invent new "foods" with no

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foods			nutritional value for which they make nutrient content claims. These fake foods consist mostly of chemical additives, and easily pass the Nutrient Profiling Model screening criteria in terms of nutrients that contribute to non-communicable diseases when ingested in too high amounts. Additives do not have any nutritive value! Fake foods are not proper foods and shall not be permitted to make any energy, nutrition or health claims.
53(13) – Cosmetic foods	√		New trend: Food Industry links a cosmetic effect or the use of the word beauty in the context of physical beauty to a specific food, ingoing ingredient or substance, and thereby trying to make health claims that cannot be substantiated. No cosmetic health claims for any food has been approved by other National authorities.
53(14) – health claims made through pictures	√		Misleading, unauthorized health claims which are made by food industry were addressed by this regulation. Example: an implied slimming claim (a health claim) by a picture of a slim women's figure with a measuring tape around the waist on the main panel.
54(10) – Dietary fiber claims	√	√	Amendment and additions: Several methods to analyse dietary fiber exist depending on: 1) What components are included or excluded as dietary fiber (Codex text allows national authorities to make the final decision) 2) Depending on the definition that is adopted by the country as mentioned in 1) above, results of the different analytical methods differ substantially. Sub-regulations 54(10) addressed the various scenarios of dietary fiber sources and explain when certain components (such as lignin, Maillard reaction products, *etc.)* are considered part of dietary fiber and when not.
54(14)(c, e and f) content claims for prebiotics, polyols and content claims regarded the "whole grain" concept"	√		Addition became essential to control the very misleading claims made in this regard at the moment by the food industry. R146/2010 make no provision for them and criteria to control the truthfulness of these claimand the expectations they create, became essential.
55 (6)	√		To accommodate "biofortification" products already on the shelves in SA (ALZU Selenium enriched eggs and orange flesh sweet poptatoes) in the absence of an international definition or labeling guidelines in the matter. CCNFSDU will begin to develop a definition in Nov 2014.
56 – Glycaemic Index and Glycaemic Load health claims	√		New. Health claim category. Based upon draft Regulations of R642 of 2007. Developed by Food Control, South Africa. No international guidance available except scientific literature.
57 – Function claims	√		New. Health claim category. Based on combined legislation from the EU, FSANZ and Canada as well work done for R642 of 2007 by Food Control, South Africa.
58 – Reduction	√		New. Health claim category. Based on combined legislation

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	New	Amendment	
of disease risk claims			from the EU, FSANZ, USA and Canada as well work done for R642 of 2007 by Food Control, South Africa.
59 – Health claims related to the "whole grain" concept	√		New. Health claim category. Developed by Food Control, South Africa in consultation with Mrs Vorster of Danisco who had extensive practical experience of many years of practices used by the Food Industry, Chamber of Milling and Baking in this regard). No international guidance available except scientific literature which was found to be very superficial and not a true reflection of what was really happening at ground level.
60 – Health claims for oral Health	√		New. Health claim category. Based on combined legislation from the EU and FSANZ. Consulted with Dr Smit from Directorate: Oral Health – he approved with text and criteria 100%.
61 – Approved Health claims for Physical performance	√		New. Health claim category. Based on legislation from the EU and work of the Directorate: Food Control in draft Regulations of R642 of 2007.
62 – Slimming claims	√		New. Health claim category. Based on combined legislation from the EU and FSANZ as well as an informal working group of F.A.C.T.S and the Nutrition Information Centre of the University of Stellenbosch.
63 - Detoxification	√		Identification of an illegal health claim. Used before by the Food Industry for various food products, e.g. breakfast cereal.
64 - EXEMPTIONS		√	Amended and improved wording to clarify interpretation problems
65 – Commercial marketing of food and Non-alcoholic beverages to Children	√		New. By March 2010 the final recommendations of the WHA were not yet available. This Regulation was put on the ice for phase 2. Consulted with the Department of Education. On 13 January 2014 an e-mail was received from Dr Faith Kumalo, Chief Director: Care and Support in Schools Department of Basic Education who wrote: "We have now gone through the DOH guideline. We agree to the contents thereof and have no additions to make. We are routing a DG submission to this effect for an official response to the DOH by the DBE. " 1. Guideline 14 was submitted to the Department of Education in 2013 for informal comments as part of the proposed draft amendment to the new Regulations Relating to the Labelling and Advertising of Foods, which was published 29 May 2014. The Department of Education responded that they agree with the Guideline 100%. It is therefore the opinion of this Directorate that we can depend on their co-operation in terms of ensuring that these foods are not advertised on school premises or sold in school tuck shops. 2. The definition of "advertising" (emphasis added by the author of this e-mail) in Act 54 of 1972 is very broad and includes all the various techniques highlighted in Guideline

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	New	Amendment	
			14: ""advertisement" in relation to any foodstuff, cosmetic or disinfectant, **means any** **written, pictorial, visual or other descriptive matter or verbal statement,** **communication, representation or reference**- (a) appearing in a newspaper or other publication; or (b) distributed to members of the public; or (c) **brought to the notice of members of the public in any manner**, and which is intended to promote the sale or encourage the use of such foodstuff, cosmetic or disinfectant; and "advertise" has a corresponding meaning;" There is therefore nothing new, since this definition has been in place since 1972. 3. Many, if not most of the big industry stakeholders (Coca-Cola, Ferrero, Mars, General Mills/CPW, Nestlé, Unilever, Kellogg's, Kraft, Danone, Burger King, PepsiCo) made public pledges on more than one occasion to honour the WHO's attempt in reducing the impact of marketing of junk foods to children. The attitude should therefore be to comply, irrespective of whether enforcement is possible or not. That is the interpretation this Directorate: Food Control puts on what a "pledge" means. 4 Regulation 65 refers to "...all the criteria in Guideline 14." and therefore, by default, already pulls in these criteria into the Regulations, which make the Guidelines as legal as the Regulations. As a result of all the pledges made in the past, industry stakeholders should therefore interpret this action (challenges the Department faces in terms of law enforcement) that the Department have confidence in the stakeholders, who, as a result of the pledges they made in public internationally (Corporate integrity), will honour their commitments and pledges. It is therefore an act of trust on the Department's side that the spirit of the Regulation and the Guidelines will prevail in the end, irrespective of any other challenges there may be. The Department is serious about reducing the incidence of obesity in the children of South Africa, and in doing so reducing their risk of non-communicable diseases in the long term.
New work from Codex (both CCFL and CCNFSDU) since 2010 to update National Labelling Regulations			
1 **(Definitions):**			

Regulation number	Indication:		Motivation
	New	Amendment	
• Non addition claim	√		Inclusion of new adopted text from Codex Committee on Food Labelling (CCFL) 2012 and 2013
• Ingredient content claim	√		Implementation of new adopted text from Codex Committee on Food Labelling (CCFL) 2012 and 2013
10 Presentation		√	Amendment to improve wording regarding the legibility of a label by ensuring a significant contrast between font colour and background colour. Based on new Codex Text adopted May 2010. Example: yellow letters on silver foil is almost 100% illegible Similarly, white letters on red or yellow are difficult to read. This amendment will prevent such practice. This practice becomes a health hazard if for instance the allergen information is done in this way, since it is as bad as hiding the information.
52 – Nutritional Information and related matters		√	Amendment: There were 2 major aspects of the amendment to this regulation – namely1) nutritional information is now mandatory, (R146/2010 only required Nutritional Information when a claim was made, otherwise it was considered voluntary) with a few exceptions; and 2) the exceptions and compromises to assist the Food Industry were clearly identified (in line with the following Codex text:"… Certain foods may be exempted for example, on the basis of nutritional or dietary insignificance or small packaging." Table 1 and Regulation 52(1) demonstrate this Codex requirement. Background: In 2012 the Codex text related to the status of Nutritional Information was amended to make it mandatory. CCFL 2012 decision to change the following text: Nutrient declaration should be mandatory for all prepackaged foods for which nutrition or health claims, as defined in the *Guidelines for Use of Nutrition and Health Claims* (CAC/GL 23-1997), are made, to "3.1.2 Nutrient declaration should be mandatory for all other prepackaged foods except where national circumstances would not support such declarations. Certain foods may be exempted for example, on the basis of nutritional or dietary insignificance or small packaging." This was done as part of the actions Codex decided on to implement the WHO Global Strategies: **1.)The Global Strategy for the prevention and control of non-communicable diseases; and 2) the WHO's Global Strategy on Diet, Physical Activity and Health.** These strategies identified certain nutrients that are contributing to the risk of developing non-communicable diseases because these nutrients are consumed in too high amounts. The next step for SA was then to introduce mandatory nutritional labeling for most prepackaged foodstuffs irrespective of whether a claim is made or not, but in such a way that the analysis of nutrient(s) not relevant for a specific foodstuff, e.g., glycaemic carbohydrate in the case

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	New	Amendment	
			of table salt, vinegar, eggs et cetera are not required. This will be done for several nutrients e.g., the declaration of protein in carbonated soft drinks is irrelevant and need therefore not be analysed. This will ease the burden on both the food industry and the existing capacities of the available laboratory services in the country. A phasing–in period of several years (e.g., 3-5 years) would make it more acceptable to the Food Industry. It will bring SA in line with Codex but at the same time take into consideration the current limitations in terms of laboratory capacities, allow time for the training needs of law enforcement officers and long term planning needs for budgeting and label preparations of the Food Industry.
Non-addition claims (ingredient content claims)	√		Additions based on Codex text (CCFL 2012). Include non-addition of sugar and non addition of salt claims. This was done to as part of the actions Codex decided on to implement the WHO Global Strategies: **1.)The Global Strategy for the prevention and control of non-communicable diseases; and 2) the WHO's Global Strategy on Diet, Physical Activity and Health.** These strategies identified certain nutrients that are contributing to the risk of developing non-communicable diseases because these nutrients are consumed in too high amounts.
66 – Labelling of enteral foods for the dietary management of persons with Specific medical conditions	√		Based on Codex STANDARD FOR THE LABELLING OF AND CLAIMS FOR FOODS FOR SPECIAL MEDICAL PURPOSES CODEX STAN 180-1991. Essential to fill a long outstanding need for regulatory control as well as to support the Directorate: Nutrition with R991/2012.
Annexure 1		√	Updated based on amended Codex text of 2012 (CCFL) - Alignment of the *General Standard for the Labelling of Prepackaged Foods* (CODEX STAN 1-1985) with the Codex international numbering system in CAC/GL 36-1989
Annexure 3		√	Updated with new NRV's where information was available
Amendments to R146/2010 needed due to situations such as the horsemeat scandal, the brining of chicken et cetera which necessitated amendments as well as certain interpretative problems that came to our attention since 2010			
1 Definitions):			
• Added sugar		√	Amended to include other ingredients which contain high intrinsic levels of sugar such as milk solids *etc.* Whey powder contains 70 to 75% lactose and milk solids 36 to 39% lactose (milk sugar).
• Beer		√	Beer falls by default under Act 54 of 1972 until such time that amendments to the Liquor Products Act that are currently in process to include beer as well, are legally in place. Beer and Traditional African beer are exempted from having mandatory Nutritional information on the label
• Cold extraction		√	Amendment of definition – better technical definition which

Regulation number	Indication:		Motivation
	New	Amendment	
			was made available after publication of R146/2010r
• Complementary medicines	√		Definitions necessary as text refer to complementary medicines in the context of cases where complementary medicines are added to foods as ingredients in an attempt to make unauthorized health claims, e.g. Herbex Slimmers Cereal, Future life cereal
• Dietary Fiber		√	Replaced with exact Codex text
• Endorsing entity	√		Included for absolute clarity purposes – differ from Dictionary meaning
• Energy intake	√		Needed for new health claim on slimming
• Enrichment		√	Amended to close loophole abused by Chicken meat industry who inject cheaper soy protein into chicken meat – soy is a potential allergen which consumers do not expect to find in chicken meat. Serious potential health hazard when such injected chicken meat is eaten at social function by a person with soy allergy – in such case they had no choice in knowing what information was indicated on the label.
• Evidence-based nutrition		√	Used in terms of endorsement. Amended to refer specifically to the context of non-communicable diseases
• Gluten		√	Replaced with newer , more technically comprehensive definition (Source: FSANZ legislation)
• Glycaemic carbohydrate		√	Was in Guidelines to R146/2010 before. Pulled definition into Regulations from Guidelines.
• Hydrogenated	√		Definition need to explain Regulation on labeling of fats and oils.
• Milk	√		To clarify that when the term milk is used it means cow's milk. Does not include milk from other species unless specifically so indicated. Important in terms of allergens - Goat's milk is highly reactive to cow's milk. Consumers must be properly informed.
• Nutrition claim		√	Amended to clarify, according to Codex, cases where nutritional information provided on a label would not be considered a nutrition claim
• NRV		√	Replaced with new Codex definition (CCFL 2012)
• NSP	√		Definition need to explain Regulation on labeling of dietary fiber.
• Processed		√	Simplified and amended to close loophole to prevent chicken meat producers to make brined chicken meat a processed meat (covered by SANS 885: 2011) and not a raw-processed meat in terms of strict labeling requirements e.g., QUID (Quantitative ingredient declaration) requirement for meat and water.
• Processing aid	√		Not defined in any Additive Regulations under Act 54 of 1972.
• Pulp	√		An ingredient that contribute added sugar – imported for non-addition claim for added sugar
• Puree	√		An ingredient that contribute added sugar – imported for non-addition claim for added sugar
• Raw-processed meat		√	Amended to close loophole
• Scale label	√		Certain foods are exempted from the normal labeling

Regulation number	Indication:		Motivation
	New	Amendment	
			requirements but certain minimum information is` needed in some cases on the scale label, e.g. allergens or species of meat animal. bird *etc*. A scale label is different from a normal label in that it is applied in store and have very limited space.
• Single ingredient agricultural commodities		√	Amended to close loopholes. Simplified.
• Sugar confectionary		√	Deleted – not considered necessary anymore.
• Traditional African beer	√		Part of beer and referred to in text of Regulations. Refer to motivation for "beer" above.
Total sugar		√	Redefined in more explicit technical terms
Use by date		√	The words "Expiry date" wording option instead of Use by are deleted as it confuses law enforcers and lead to an unhealthy focusing on this aspect of law enforcement to the exclusion of everything else
2 - General		√	Reworded to provide an unambiguous directive to all users of these Regulations about the seriousness of providing full and accurate information – prompted by the horsemeat scandal
6 - General		√	Added wording to make Supplier Ingredient files a mandatory requirement for every ingredient and additive used in food manufacturing – Although R146/2010 in principle already required it, the principle was made much prominent by repeating it under the heading "General"
8 - General	√		Included to curb the trend for every Tom, Dick and Harry to to use endorsements as a quick money-making scheme. Consumers eventually pay for every endorsement on a food label. It support manufacturers when they refuse to use a particular endorsement logo on their products as all endorsement logos are essentially voluntary.
9 - General	√		A trend is observed whereby complementary medicines is added to foods as a means of a way around the prohibition on health claims during the period of R146/2010 or to comply with the criteria for health claims. This regulation will effectively prevent this practice of adding complementary medicines to a food. e.g. Herbex Slimmers Cereal, Future life cereal
11 – Letter sizes, New Annexure 6		√	Amendment to simplify letter sizes requirements by aligning with the EU directive. Codex has no guidance text in this regard.
12(a) - Identification		√	Amendment to improve and rearrange the text to get rid of too long sentences
13(b) Country of origin		√	Deletion of words "or similar words" since they are superfluous.
16(1)(a)(ii) – Prohibited statements		√	Amendment to text to clarify which endorsements would need DG approval (those that relate to non-communicable diseases)
16(1)(b)	√		Amendment to improved requirements in terms of particular endorsements of a religious nature to be in line with the

Regulation number	Indication:		Motivation
	New	Amendment	Constitution of SA and Consumer Protection Act The following questions have to be considered by every food business operator (manufacturer, seller and importer): 1. Is it fair to consumers who have other religious convictions to have no choice in the matter when they are confronted with a situation where they have no choice but to buy products that carry the Halaal endorsement. In other words the same product is not available with a label with no Halaal endorsement logo. 2. It is fair and in line with the South African Constitution (that promises and guarantees freedom of religion and religious expression) to have the Halaal or Kosher logo forced upon every consumer in this country, irrespective of their religious conviction? The Halaal logo is not restricted to the type of animal or the specific slaugtering process required to be certified "Halaal" anymore, but appear on many non-meat products as well. If ingredients/additives from animal origin is a problem, then the Regulations on the Labelling and Advertising of foods, since 2010, allows for various types of vegetarianism. These type of vegetarian claims have no specific religious connotation for most consumers in South Africa - it is simply a personal choice. 3. Religious logos are a privilege which the food labelling regulations makes provision for, but religious logos are not a mandatory requirement according to these Regulations. However, the way it is currently being applied in this country gives consumers no choice, and consumers are in many cases forced to pay up for a religious expression that are not of their own conviction and which they do not necessarily support. In the process, consumers' freedom according to the Constitution and the CPA is violated. Manufacturers simply pass the costs of these logos on the consumers, irrespective of the individual consumer's religious conviction. Is that respectful? 4. Would it not make more sense and be more fair to all the people of South Africa if every (read "level playing field") religious group pay a manufacturer to have a certain amount/volume of a product to carry their logo and not visa versa? Religious logos are not a mandatory requirement but is considered a voluntary privilege. Would Muslins appreciate being forced into a position to have no choice but to buy a food product with a "Christian" logo (if such a thing would have existed!) or a Kosher logo etc? With these new draft Food Labelling Regulations, the South African government is trying to be fair to EVERYBODY in South Africa.

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	New	Amendment	
			5. Another alternative may be that if a food business operator finds it too expensive to provide labels with **AND** without any religious type logo simultaneously, to avoid having any religious logos on foods at all -food business operators are after all not forced by any law to do so, it is a voluntary corporate decision of a specific manufacturer do so or not. It is not fair to expect other religious groups to support financially the Halaal logo or any religious logo for that matter.
16(1)(c)		√	Amendment to make provision for particular endorsement based on Food based Dietary Guidelines
16(1)(f)		√	Deletion of words " has health-giving properties…) to close loophole abused by certain manufacturers with all inclusive blanket slogans applicable to all products manufactured by the company irrespective of whether they are health or not.
17(1 and 2) – Negative claims		√	Addition of words that refer to a guideline. Guideline 4 provides examples that will enhance understanding and interpretation of Regulation 17(1)(a and b) and 17(2)(a and b)
19 – Order of list of ingredients		√	Amendment based on advice of DAFF to enhance and make law-enforcement easier in the case of fruit juice blends produced from concentrates
22(2) – Naming of ingredients and other related matters		√	Rearrangement of regulations to improve logical layout: Regulation 19 of R146/2010 now becomes Regulation 22(2) with a specific new requirement relating to how reconstituted fruit juice prepared from concentrate shall be named
22(3)	√		Addition of labeling requirement for new technology (nanomaterials) based on EU example
22(4)	√		Provision made that abbreviations for ingredients which consumers may not understand, are always written out in list of ingredients to protect consumers, e g Mechanically Deboned Meat (MDM)
24 of R146/2010			Deletion of Regulation 24 of R146/2010 – superfluous
23 – Indication of type of animal fish or bird	√		Addition prompted by horsemeat scandal. To support other legislations of DAFF, NRCS and DTI and thereby strengthen consumer protection.
24 - Raw-processed meat of poultry and other food animals	√		Addition to prevent, in the case of raw-processed meat, the use of misleading terminology such as basted, basting, self-basting, marinated or marinating, seasoned or seasoning or words with a similar meaning, as part of the name or description of the food, to hide the fact that additives and/or other ingredients were added into raw meat, a product where consumers normally do not expect to find additives and added salt.
25(2) – Quantitative Ingredient Declaration		√	Amendment to extend the QUID requirement in bigger letter sizes for bigger packaging sizes for QUID requirement of a raw-processed meat.

Regulation number	Indication:		Motivation
	New	Amendment	
(QUID)			
25(3) – Quantitative Ingredient Declaration (QUID)	√		Addition: Normally products regulated under other Acts (of DAFF and NRCS) are exempted from the Quid requirement, but this new addition makes QUID mandatory for certain of these groups of food, e.g. fruit juices, processed meats etc. to support better law enforcement. It was done in consultation with DAFF and NRCS
25(- Quantitative Ingredient Declaration (QUID)	√		Addition of new information regarding a tolerable deviation of the QUID percentage indicated on a label came to our attention in 2012 (source: FSANZ legislation).
26 – Compound Ingredients		√	Amendment and addition of wording to clarify interpretation
27(3) – Added water		√	Addition/Amendment to clarify that this regulations does not apply to the water of a sauce or marinade on the outside of a raw-processed meat.
28 – Added Caffeine	√		Warning statements for added caffeine in the case of beverages such as soft drinks have been covered by the Soft Drinks Regulations, but no similar provision exist for cases where caffeine is added to solid food e g , energy bar. (Source: EU legislation)
29 – Fats and Oils		√	Amendment: Reworded to remove ambiguous and superfluous wording in order to clarify/narrow interpretation. Provided further guidance in the case of oil blend in terms of criteria of when one of the oils in a blend may /or not be depicted on label. Example: it would be seriously misleading to indicate a picture of an olive on the label of an oil blend/margarine where the olive oil content is only 20% and the rest of the blend consist of other oils with a lesser favourable fatty acid profile. Prompted by existing examples currently in the market.
30 – Bulk stock		√	Amendment to make provision for different scenarios that occur in daily practice. Prompted by several requests from Food Industry.
34 – Pictorial representation		√	Amended to built in a criteria that will limit the extend to which a food garnish, food or ingredient, not present in the container may make up of the pictorial representation (not more than 20% of the surface area of the pictorial representation).
35 – Labelling of food additives		√	Deletion of words “Food Colour Index Number” in the case of colourants, since it is outdated. The reference to International Numbering System is retained.
36 – 42 – Indication of food additives		√	Amendment: Reworded in some cases and reorganized with new headings for better readability and to improve the consumer-friendliness of this section on specific labeling requirements of certain additives.
44 – 47 – Allergen and related matters		√	Amendment: improvement of requirements due to newer information and in some cases reworded to remove any interpretative problems that came to light since 2010.
51 – Vegetarian claims		√	Amendment: Regulation content was simplified.
52(14) – Source of Nutritional		√	Amendment became necessary. The Medical Research tables could not be used anymore as a source of nutritional

Regulation number	Indication:		Motivation
	New	Amendment	
information when no claim is made			information in the absence of a claim. The MRC Tables' values for fat means total fat (include other components such as sterols, phospholipids *etc.*) while the laboratories analyse for fatty acids expressed as trigliserides and calculated the sum thereof. The MRC Tables report added sugar and not total sugar as required in the Nutritional information Table. No methodology can pick up what amount of sugar was added and what amount was intrinsic – the analytical result will only report total sugar.
52(15) – Foods marketed for a limited time annually for special occasions	√		Request from industry: to exempt certain foods from having nutritional information provided they comply with the criteria of this regulation.
53(6) – Food Enrichment	√		R146/2010 permits food manufacturers to enrich any compound food with essential nutrients. They often did so to make claims etc. However recent abuses by the food industry necessitate stricter rules. Fortunately the process to revise the Codex text on Proposed Draft Revision of the Codex General Principles for the Addition of Essential Nutrients to Foods (CAC/GL 9-1987) was revised during recent years. These guiding principles were used to: 1.) restrict enrichment of energy-dense-nutrient-poor foods (junk foods) ;and 2.) to prevent chicken meat producers from injecting cheaper soy (a common allergen) protein into raw chicken meat. The addition of soy protein cannot be nutritionally justified as die water injected dilutes both the protein and general nutritional content of chicken meat. It is unacceptable since consumers do not expect an allergen in chicken meat and in an emergency situation the medical personnel may not likely search for problem in the chicken meat except for bacterial contamination. A further concern is that consumers eating this type of soy chicken at a social function will not have access to the label information (list of ingredients) to make an informed decision. Furthermore, according to Codex, foods to which essential nutrients may not be added may be determined by competent national authorities. There is no worthy scientific rationale for this practice. 3.) The maximum amounts mentioned above may be set taking into account upper levels of intake of essential nutrients established by scientific risk assessment based on generally accepted scientific data and the daily intake of essential nutrients from all sources. R146/2010 set minimum levels in order to justify the claim and these regulations set maximum levels according to the Codex guiding principles.
54(13) – Content claim for Antioxidants	√		No other regulatory authority or Codex has approved a nutrient content claim for the concept "antioxidant". This void has been addressed in a generic way in order to control the situation and prevent the food industry from

Regulation number	Indication:		Motivation
	New	Amendment	
			creating misleading expectations which cannot be substantiated. In 2012 the USDA removes misleading antioxidant data. The U.S. Department of Agriculture's Nutrient Data Laboratory has withdrawn the ORAC Database for Selected Foods from its Web site after concluding that it has been used to mislead consumers. [Oxygen Radical Absorbance Capacity (ORAC) of Selected Foods, Release 2 (2010). USDA Agricultural Research Service news release, May 16, 2012] http://www.ars.usda.gov/services/docs.htm?docid=15866 Various antioxidant compounds are theorized to help protect against cancer and other chronic diseases by attacking free radicals that cause them. The ORAC value is one way to measure antioxidant activity, and many supplements are promoted with the claim that high ORAC scores indicate high potency. However, the USDA has concluded: **The data for antioxidant capacity of foods generated by test-tube methods cannot be extrapolated to human effects. **Antioxidant molecules in food are known to have a wide range of functions, many of which are unrelated to the ability to absorb free radicals. **There is no evidence that the beneficial effects of apparently helpful foods can be attributed to the antioxidant properties of these foods. **Clinical trials to test benefits of dietary antioxidants have produced mixed results.
54, Table 2:	√	√	• Criteria for non-alcoholic, polyunsaturated fatty acids and monounsaturated fatty acids were amended to be in line with EU Regulations. • A criterion for caffeine –free was added. • Additional wording of claims was added with similar meaning to “source of, namely “contains” and””with added” • Additional wording of claims was added with similar meaning to “very high in” namely “excellent source” • Addition of criteria for “Excellent Source “ of dietary fiber
Annexure 2		√	Amended: reorganization of format of Nutritional information to be scientifically absolutely correct.
Annexure 6	√		Deletion of Annexure 6 in R146/2010 “The manner of expression of energy, Nutrient, or other substances values, including Nutrient Reference values, in the Table with Nutritional Information. Simplified and replaced by amendment in Regulation 52(5). Addition of new Annexure 6 – Letter sizes – Definition of x-height. Source: EU legislation. Simplification of Regulation 11 on lettersizes.
Amendments to R146/2010 to accommodate phase 2 and other sets of			

Regulation number	Indication: New	Indication: Amendment	Motivation
Regulations that the Labelling Regulations will impact on when they become Amendments to R146/2010 to accommodate phase 2 and other sets of Regulations that the Labelling Regulations will impact on when they become effective at a future date, namely: • **R991 of 2012: 6 Infant food Regulations (Labelling part becomes effective on 6 December 2014)** • **R214 of March 2012: Reduction of Sodium in certain foodstuffs (effective 30 June 2016**			
1 (**Definitions)**:			
• Enteral	√		Labelling of foods which are presented for the dietary management of persons with specific medical conditions (FSMPs)" is internationally (Codex Alimentarius) considered foods not medicines and are covered by these Regulations. To support the Regulations Relating to the Foodstuffs for Infants and Young Children (R991/2012) FSMP's, a responsibility of the Directorate: Nutrition. To distinguish foods that uses the digestive system, not the parenteral (intravenous) route. Foods administered through the parenteral route are regulated as medicines.
• Food for Special Medical Purposes	√		See explanation above. Any evidence, scientific rationale and substantiation *et cetera* and/or information regarding a FSMP should have been in place since the FSMP was placed on the market - in other words the dossier for each and every FSMP is supposed to be in existence already.
• Malnutrition	√		Referred to in Text of Regulation on FSMP
• Not Acute Malnutrition	√		Referred to in Text of Regulation on FSMP
52 – Nutritional Information and related matters		√	Amendment: The successful implementation of R214 of March 2012: Reduction of Sodium in certain foodstuffs (effective 30 June 2016) also depends on this decision (mandatory nutritional information for majority of food). Total Sodium is part of the minimum Nutritional Information that always has to be declared when Nutritional Information is provided on a label. There were 2 major aspects of the amendment to this regulation – namely1) nutritional information is now mandatory , with a few exceptions; and 2) the exceptions and compromises to assist the Food Industry were clearly identified. Background: Refer to amendment to Regulation 52 under the heading "**New work from Codex (both CCFL and CCNFSDU) since 2010 to update National Labelling Regulations"** above.
53(5) – Food Fortification		√	Amendment: The Regulations Related to food-grade salt (R184/2007), did not cover/provide for Nutritional Information labeling, and with Nutritional Information becoming mandatory from now on, it necessitate an amendment to provide it.

Regulation number	Indication:		Motivation
	New	Amendment	
53(2 and 3)		√	Abuses by food industry by using generic names, brand names or trade-mark names which fall within the scope of these Regulations since 1993, were curbed. Claims were implied in these brand names or trademark names, with regard the generic or specific nutritive properties or generic or specific health-giving properties, through a play with words or part(s) of words which could be interpreted as or related to a nutrition, ingredient content or health claim, without these foods complying to criteria for the type of claim. Consumers were mislead, by made to believe a promise which was essentially not the complete truth or without effective substance. The second abuse relates to where certain nutritional information about a particular nutrient or substance, is highlighted/emphasized somehow through colour differences of the letters or numbers, different background colour than the rest of the information, differences in font types, letter sizes, without being permitted (R991 of 2012: Infant food Regulations) or without complying with the qualifying criteria for that claim.
55(5) – comparative claim for Sodium reduction claim	√	√	Addition to make provision for special comparative claim for Sodium reduction in support of R214 of March 2012: Reduction of Sodium in certain foodstuffs (effective 30 June 2016). The normal comparison criterion is 25% but the sodium reduction targets are not always 25% but in most cases less than 25%. Based on agreed upon text with Prof Freeman from Directorate: Non-communicable diseases. Wording of claim, namely ""Reduced Sodium according to national goals of (year) in the public's interest to lower blood pressure" specified to prevent companies from making a medicinal claim.
66 – Labelling of enteral foods for the dietary management of persons with Specific medical conditions	√		Based on Codex STANDARD FOR THE LABELLING OF AND CLAIMS FOR FOODS FOR SPECIAL MEDICAL PURPOSES CODEX STAN 180-1991. Essential to fill a long outstanding need for regulatory control and to support the Directorate: Nutrition with R991/2012.
Annexure 3			Amendment to age range for Nutrient Reference Values to align with R992/2012 upon request from Directorate: Nutrition
Inclusion of new developments since 2010			
1 (**Definitions):**			
• Engineered nanomaterial	√		Provision is proactively made for labeling of new technology, e.g. nanogold provides a purple colour when used in food. Definition borrowed from the EU legislation