



SAAFoST

SOUTH AFRICAN ASSOCIATION for
FOOD SCIENCE & TECHNOLOGY

National Secretariat:
PO Box 4507 Durban. 4000
Tel: (031) 368 8000 Fax: (031) 368 6623
E-mail: Viroshab@turnergroup.co.za
Website: www.saafofost.org.za
013-075 NPO

The Director General of Health

Attention Director of Food Control

Private Bag X828

Pretoria 0001

26 August 2014

Dear Sir/Madam,

COMMENTS ON PROPOSED REGULATION R429 (REGULATIONS RELATING TO THE LABELLING AND ADVERTISING OF FOODS – AMENDMENT AND RELATED GUIDELINES)

The South African Association for Food Science and Technology (SAAFoST) is the professional body for food scientists and technologists in South Africa. The Association represents scientists and technologists from all areas including academia, research institutes, government bodies, NGO's, food retailers, the food industry and suppliers of goods and services to the food industry. We therefore believe that we are able to contribute constructively from an independent, objective and scientific perspective in ensuring that regulatory proposals are based on sound science and are fair and acceptable to both consumers and the food industry. Our submission will therefore focus on:

1. The quality and relevance of the scientific justification of the regulations and guidelines.
2. The role of the regulations and guidelines in communicating scientific information to consumers. This is in line with the section of the SAAFoST Mission Statement that requires us to 'create, interpret and disseminate food-related scientific information'
3. Those issues which have been specifically raised by a large number of our members. Many of these are of a scientific nature but some will also deal with issues such as practicality and potential impact on affected parties.
4. The process followed to date in preparing the regulations and guidelines and the need for a suitably comprehensive process of consultation once comments on the draft proposals have been received by the Department of Health (DoH).

Points relating to 1, 2 and 3 above will be set out in the standard tabular format requested by the DoH. We are also enclosing a separate document with the text of a proposed new Annexure that deals with the issue of determination of carbohydrate and energy values for products for the purpose of obtaining information for incorporation in nutritional tables.

With regard to point 4 above, we wish to strongly reiterate the need for further consultation after the comments on the proposed regulation have been received by the Department. We find it frankly disappointing that SAAFoST was not among the bodies consulted during the preparation of R429 as we possess significant scientific capability that could have been leveraged for this purpose in order to avoid the inclusion of certain components of the draft that will unquestionably be challenged on scientific grounds. Furthermore, in terms of SAAFoST's professional Code of Conduct, we would have fully respected the need for confidentiality during the drafting phase.

We also object strongly to the refusal of the Directorate of Food Control to make public the names of the individuals and bodies that were consulted during the preparation of the draft and feel that this only serves to propagate a climate of antagonism and mistrust and the suspicion of personal agendas and bias by those preparing the draft. This approach is in stark contrast to the policies of open disclosure practiced by bodies such as EFSA.

We understand and sympathise with the lack of scientific capacity within the Directorate of Food Control but would maintain that this should be all the more reason for involving credible scientific bodies such as SAAFoST, ADSA and NSSA in working parties that will assist in the preparation of the regulation. We sincerely hope that the Department will indeed do this and that there is no attempt to rush the final regulation into law for the purposes of short-term expediency as this will simply result in impractical and unenforceable legislation that lacks proper substantiation and is likely to be challenged legally.

We trust our comments will be favourably considered and wish the Directorate of Food Control success in preparation of the final regulations.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'R Ponquett', with a large, sweeping flourish above the name.

Ryan Ponquett

SAAFoST President (2013 – 2015)