



## **Milk SA - Dairy Regulations & Standards 2022**

(PRJ-0316-2022)

### **Dairy Standard Agency**

**Quarter 3 2022/2022** (July 2022 till September 2022)

#### **Project goals**

**Goal 1 - Deliberation of industry regulations relating to food safety, product composition, metrological and related standards as well as voluntary industry related standards e.g. animal welfare and related matters**

#### **Achievements**

The second meeting of the Regulations and Standards Project (R&D) of Milk SA took place on 2 August 2022 during which some of the following items were discussed:

#### **DEPARTMENT OF HEALTH – FOODSTUFFS, COSMETICS AND DISINFECTANTS ACT**

##### **1.1 Front-of-pack labelling and the draft R429 of 2014**

The Department of Health (DoH) is currently addressing the issue of the mandatory use of front-of-pack (FOP) labelling, which was initially published as voluntary guidelines to the draft regulations relating to the labelling and advertising of foods (No R429). A request was forwarded to DOH to determine the publication date of the latest draft and response is awaited.

The collaboration by the Regulations and Standards Project and Consumer Education Project of Milk SA takes place through a working group referred to as the Milk SA Task Team, which aims to strengthen the position of the dairy industry, with specific reference to the unique nutritional composition of dairy.

The Milk SA Task Team is supported by a team of experts to formulate a scientific document that is evidence based in an attempt to preserve the nutritional value of dairy while considering labelling systems that could be detrimental to the image of dairy in respect of sugar, fat and salt.

Prof. Corinna Walsh: dairy sugars;

Prof. Mieke Faber: nutrition landscape in South Africa with specific reference to the role of dairy.

Prof. Renée Blaauw: fats in dairy with special emphasis on saturated fatty acids; and

Prof. Friede Wenhold: management of the development of scientific reviews and liaison with the Milk SA task team. Prof Wenhold will also assist the Milk SA Task Team in drafting the final submission to the DoH.

#### **Review of R1555 of 1997: Regulations relating to milk and milk products**

The work of this project has been delayed due to the amount of time vested in R1510/2019 and other related regulatory activities. Rescheduling of action dates in conjunction with Prof. Anelich and the Milk SA Technical Working Group will be taking place during the fourth quarter.

## ***No Non-achievements / underperformance has been reported***

### **Goal 2 - Liaison with industry and statutory bodies in terms of draft, promulgated and repealed legislation and effective communication through the Milk SA organisational structures**

#### ***Achievements***

##### **DEPARTMENT OF AGRICULTURE, LAND REFORM AND RURAL DEVELOPMENT - AGRICULTURAL PRODUCTS STANDARD ACT Review of dairy and imitation dairy product regulations**

The Milk SA Technical Workgroup (TWG) convened during the second quarter following which a draft regulation was compiled as well as comments on the draft were circulated to the industry on 14 June 2022 with comments expected by latest 8 July 2022. Comments were collated by the Milk SA Technical Workgroup and a second draft was circulated to industry for comment with the closing date 21 October 2022 following which the information will be collated for the purpose of discussion by the TWG.

##### **Matters relating the Border Management Authority Act, 2020**

The Border Management Authority Act of 2020 was communicated to the members of the Regulations and Standards Committee noting that the Border Management Authority (BMA) was intended to take charge in the border control area, which effectively mean that it will replace the roles of the Departments of Health and DALRRD and the South African Revenue Service at imports and exports. The implementation of this act has started but no significant information has been received regarding the process that may impact the organised dairy industry. Monitoring will continue in the fourth quarter.

##### **Draft regulations relating to the protection of geographical indications (GIs) used on agricultural products intended for sale in the Republic of South Africa**

A DALLRD meeting was held on 7 June 2022 to discuss the third draft amendment regulations for geographical indications (GIs) together with the industry members. The final draft amendment of the GI regulations was noted on 8 July 2022 and will be circulated to industry once published.

##### **DALLRD AND THE APPOINTED ASSIGNEE: NEJAHMOGUL TECHNOLOGIES AND AGRIC SERVICES**

The revocation notice as published in the Government Gazette was circulated to industry. Follow up correspondence regarding the temporary use of DALRRD Directorate Inspection Services to render inspection services was also noted.

In the interim it was determined that the warrant of execution on the business rescue practitioner was fruitless as the assignee no longer exists. Upon consultation with the legal team it was decided to proceed with a warrant to the DALRRD which is currently in process.

##### **AGRICULTURAL PRODUCT STANDARDS AMENDMENT BILL**

Request for comments were received from the Portfolio Committee on Agriculture, Land Reform and Rural Development and a submission after consultation with the organised dairy industry was made on 29 September 2022.

##### **FORMAL ACTION AGAINST THE DALRRD IN FAILURE TO EXECUTE THE AGRICULTURAL PRODUCT STANDARDS ACT R**

The failure by the Executive Officer (EO) of the Agricultural product Standards Act (APS) to take appropriate legal action against the misuse of the name "plant butter" as well as allowing the contravention to continue in terms of the section 6 of the APS resulted in action by Milk SA. This action includes the right of Milk SA to proceed with legal action against DALLRD EO. The response of the EO was noted and follow up action is to be considered according to the failure to uphold commitments by the EO.

## **FORMAL OPPOSITION BY MILK SA AGAINST SEQUALO FOODS USING PLANT BUTTER TRADE NAMES IN CONTRADICTING WITH THE APS ACT**

In the tribunal of the Registrar of Trade Marks of RSA in terms of the Trade Marks Act of 1993, in the matter relating to Trade Mark Application No. 2020/271321 FLORA PLANT BUTTER in class 29, between MILK SOUTH AFRICA NPC (Opponent) and SIQALO FOODS (PTY) LTD (Respondent and Trade Mark Applicant) an affidavit and opposing grounds by the Project Manager: Regulations and Standards Project of Milk SA were submitted.

## **SABS AND AFRICAN ORGANIZATION FOR STANDARDIZATION**

The African Organization for Standardization's (ARSO) ambition is to have a minimum of 75 different standards for dairy products developed for the African continent in support of its strategic objective, which is to harmonize trade in Africa in the next four years. Three workgroups for milk and milk products (TC 05) exist that meets monthly as well as one plenary session during which progress is discussed. The Milk SA project manager with the assistance of a contracted expert attended the monthly meetings and also convened workgroup one, making contributions to the development of the standards.

### ***No Non-achievements / underperformance has been reported***

## **Goal 3 - Liaison and consultation on an internal and external basis and comment within specified time frames via Milk SA organisational structures**

### ***Achievements***

As above. All relevant matters were discussed at the meeting of the Regulation and Standards Project of Milk SA on 2 August 2022 and communicated where applicable to the organised dairy industry and other stakeholders.

### ***No Non-achievements / underperformance has been reported***

## **Goal 4 - Report to industry via Milk SA structures**

### ***Achievements***

The second meeting of the Regulations and Standards Project (R&D) of Milk SA took place on 2 August 2022 during which some of the following items were discussed:

### ***No Non-achievements / underperformance has been reported***

## **Income and expenditure statement**

Income and expenditure statement	<a href="#">PRJ-0316.pdf</a>
Unnecessary spending during period	No

## **Popular Report**

## Additional documentation

No file has been uploaded

## Statement

Levy funds were applied only for the purposes stated in the contract	Yes
Levy funds were applied in an appropriate and accountable manner	Yes
Sufficient management and internal control systems were in place to adequately control the project and accurately account for the project expenditure	Yes
The information provided in the report is correct	Yes