



Milk SA - Dairy Regulations & Standards 2022

(PRJ-0316-2022)

Dairy Standard Agency

Quarter 4 2022/2022 (October 2022 till December 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

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Goal 2 - Liaison with industry and statutory bodies in terms of draft, promulgated and repealed legislation and effective communication through the Milk SA organisational structures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

Activities during the fourth quarter of the Milk SA Regulation and Standards Project included the following:

1. DEPARTMENT OF HEALTH – FOODSTUFFS, COSMETICS AND DISINFECTANTS ACT

1.1 Front-of-pack labelling and the latest draft regulations relating to the labelling of foodstuffs

The Department of Health (DoH) completed the draft Regulations relating to the Labelling of Foodstuffs and upon query it was confirmed that the draft was submitted to the 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. A request was forwarded to DOH to determine the publication date of the latest draft and response is awaited.

DOH responded that it consulted with their Legal Unit and had to engage the Department of Monitoring and Evaluation (DME) to finalize the socio-economic impact system (SEIAS) as they raised several comments and issues which needed to be dealt with. DOH however submitted all that to the DME required and awaits the SEAIS certificate before it can publish the draft regulations. It is expected that the draft will be published early in 2023.

The collaboration by the Regulation and Standards Project and Consumer Education Project of Milk SA continued in preparation of the draft through 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 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.

1.2 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 the Milk SA Technical Working Group took place during the fourth quarter.

2. DEPARTMENT OF AGRICULTURE, LAND REFORM AND RURAL DEVELOPMENT - AGRICULTURAL PRODUCTS STANDARD ACT

2.1 Review of dairy and imitation dairy product regulations

After a second draft was circulated to industry for comment with the closing date 21 October 2022 the information was collated for the purpose of discussion by the TWG. The Milk SA Technical Workgroup (TWG) convened electronically, and a scheduled meeting took place with DALRRD, Directorate Food safety and Quality on 2 December 2022 to present and resolve principal issues presented in the proposed draft.

2.2. Matters relating the Border Management Authority Act, 2020

The implementation of this act has started but no significant further information has been received regarding the processes that may impact the organised dairy industry. Monitoring continued during the fourth quarter with specific reference to border control and services to be rendered by the Directorate: Inspection Services under the Agricultural Product Standards Act.

3. DALLRD AND THE APPOINTED ASSIGNEE: NEJAHMOGUL TECHNOLOGIES AND AGRIC SERVICES

The revocation notice as published in the Government Gazette was circulated to industry. A formal meeting was scheduled with DALLRD, Directorates Food Safety and Quality Assurance, Inspection Services as well the office of the Executive Officer in December 2023. The meeting was meaningful in the sense that proper communication channels were established through which the DSA will in future correspond test results to designated persons in DALRRD Directorate Inspection Services to render inspection services where remedial action on non-conformances in terms of the Act and regulations are required.

4. AGRICULTURAL PRODUCT STANDARDS AMENDMENT BILL

Response is awaited from DALRRD following industry comments rendered to the Portfolio Committee on Agriculture, Land Reform and Rural Development and a submission in conjunction with the Consumer Council of SA on 29 September 2022.

5. FORMAL ACTION AGAINST THE DALRRD IN FAILURE TO EXECUTE THE AGRICULTURAL PRODUCT STANDARDS ACT

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 subsequent commitments by the EO. Actions were prepared to continue in the first quarter of 2023.

6. 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). This matter is still pursued and will continue in 2023.

7. 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. The three workgroups for milk and milk products (TC 05) continued to meet 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 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

Actions in respect of which comments were required from industry members were communicated via Milk SA as well as the Milk SA Project Coordinating Committee.

No Non-achievements / underperformance has been reported

Goal 4 - Report to industry via Milk SA structures

Achievements

As above

No Non-achievements / underperformance has been reported

Income and expenditure statement

Income and expenditure statement	PRJ-0316 Dec 2022.pdf
Unnecessary spending during period	No

Popular Report

[R&S Popular report October to December 2022 - Copy.pdf](#)

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