



Milk SA - Dairy Regulations & Standards 2023

(PRJ-0352-2023)

Dairy Standard Agency

Quarter 2 2023/2023 (April 2023 till June 2023)

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

Many of the regulations and voluntary standards relating to the scope of this project reflects on the interdependence of the activities of stakeholders in the dairy value chain. To this effect deliberation of the impact of acts, regulations and standards is encouraged, especially in the context of sustainability in the dairy industry. Continuous discussions regarding animal health and welfare, food loss and waste, waste water management, front of pack nutrition labelling, composition of dairy and plant based beverages took place and were also addressed as agenda items during the Milk SA Project Coordinating Committee meetings. The end result of these deliberations often contributed to formalising of industry views influencing external policies and regulations.

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Goal 2 - Liaison with industry and statutory bodies in terms of draft, promulgated and repealed legislation and effective communication through the Milk SA organisational structures.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 HEALTH – FOODSTUFFS, COSMETICS AND DISINFECTANTS ACT

1.1 Draft Regulations relating to the Labelling and Advertising of Foodstuffs

Regulation NO. R. 3337 Regulations Relating to the Labelling and Advertising of Foodstuffs was published on 21 April 2023 with a notice that any substantiated comments or representations on the proposed regulations, should be submitted to the Director - General of Health within three months of the date of publication. Food industry including the dairy sector started working on compilation of comments on this extensively long and technical document. In preparing comments it was considered a sensible decision to collaborate with the Consumer Goods Council of South Africa (CGCSA) of which the Dairy Standard Agency as well as Milk SA Consumer Education Project are members. During this participative process numerous CGCSA industry meetings took place during the second quarter and are to be continued until completion of the comments on the draft regulation before 21 July 2023.

It was considered imperative that Milk SA take a stand towards the mandatory use of front-of-pack (FOP) labelling, and through the Milk SA Task Team with the support of a team of experts formulated a scientific document that provides evidence-based information regarding the nutritional value of dairy while considering labelling systems which could be detrimental to the image of dairy in respect of sugar. The scientific document will form part of the comments rendered on the latest draft as well will be submitted as a separate submission the DOH, due to its importance. (See attached document "Milk South Africa comments on Draft Regulation R3337 Section 51: Profiling Model for Foodstuffs for South Africa for the purpose of FOPL logos on labels of foodstuffs that may not be marketed or advertised to children").

1.2 Review of R1555 of 1997: Regulations relating to milk and milk products

The work of this project has been initiated and research (Milk SA Project) by DSA staff member on Risk assessment to determine the significance of *E. coli* and coliforms as indicator organisms of hygiene and food safety in milk in South African with the intention of updating specifications as set out in Regulation 1555 continued. Time vested in R3337/2023 and R1510/2019 and other related regulatory activities delayed project work later in 2023.

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

2.1 Review of R1510 of 2019 Regulations relating to dairy and imitation dairy products

The programme of work relating to the draft proposal of R1510 is to be completed in the third quarter by the Milk SA Technical Work Group and will be circulated end July 2023 to firstly the organised dairy industry for consideration and comments. The final document with all substantiated comments will then be submitted to the DALRRD for consideration.

2.2 Matters relating the Border Management Authority Act, 2020

The implementation of the above act was closely monitored during the second quarter. The process of seconding personnel from the DALRRD Directorates is still ongoing and no effect on current services in terms of R1510 enforcement in comparison to previous quarterly reporting periods have been noticed.

3. DALLRD: Directorate Food Safety and Quality Assurance and Veterinary Public Health

The maintenance of relationships and liaison with the various directorates was continuous during the third quarter as several matters relating to review of regulations, import and export requirements, veterinary procedural notices as well as the establishment of a National Chemical Residue Monitoring Programme received high priority. It is foreseen that this profile of liaison is to continue in the collective interest of the dairy industry.

4. AGRICULTURAL PRODUCT STANDARDS AMENDMENT BILL

The Bill seeks to amend the Agricultural Product Standards Act, 1990, so as to:

- insert definitions and substitute others;
- provide for auditing of a product for management control systems;
- make provision for the setting of tariffs by assignees on a cost-recovery basis;
- make further provisions for the Minister to make regulations pertaining to audit and management control systems; and to provide for matters connected therewith.

In the latest correspondence from the DALRRD it is noted that on 21 February 2023- the honorable minister (DALRRD) participated in the National Assembly for the Second reading of the APS Amendment Bill. The APS Amendment Bill was subsequently adopted by the National Assembly and sent to the National Council of Provinces for their consideration. Milk SA comments were forwarded to the Portfolio Committee on Agriculture, Land Reform and Rural Development already on 30 September 2022 which impacted the draft significantly with some of the proposals incorporated in the Bill.

Although no further correspondence from other provinces regarding the above has been received, the correspondence from the Western Cape Provincial Parliament was noted, encouraging engagement in the public participation process. Milk SA communicated with industry in this respect requesting further comments which will be forwarded to DALRRD National office.

It is expected that hearings will take place during September 2023.

5. ACTIONS AGAINST THE DALRRD EXECUTIVE OFFICER FAILING TO EXECUTE THE

PRESCRIPTIONS AGRICULTURAL PRODUCT STANDARDS ACT

Law enforcement was started against the illegal sale of a product named “Plant Butter” in the first quarter of 2023 and the manufacturer responded by executing its appeal rights in terms of section 10 of the (APS). The manufacturer went as far as lodging a case in the High Court but was lost based on no urgency regarding the matter. By end March the Office of State Attorney has not yet appointed members of the Appeal Board in terms of sec 10 of the APS. Milk SA has subsequently followed up by informing the Executive Officer of its proposed actions to litigate. It was noted that the DALRRD finalised the appointment of the Appeal Board and that the date of the Appeal Board hearing is soon to be confirmed. As an affected party the DALRRD Appeal Board enquired whether Milk SA is interested to participate in the hearing following which participation was confirmed and a legal firm was appointed. The necessary affidavit documents are currently prepared for submission by Milk SA’s legal representative.

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 2023.

7. SABS AND AFRICAN ORGANIZATION FOR STANDARDIZATION

The SABS TC034/SC05 Milk and milk products took place on 18 June 2023. Alignment of milk and milk products serve as important priority for SABS and ARSO and to this effect the SABS TC34/SC05 also serves as communication channel in respect of the activities of the ARSO TC34/SC04

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 04) continued to meet monthly as well as one plenary session during which progress is discussed. Meetings were attended with the assistance of a Milk SA contracted expert who also convenes workgroup One.

8. INTERNATIONAL DAIRY FEDERATION (IDF) AND CODEX ALIMENTARIUS

The project manager serves on various standing committees of the IDF as well as task teams dealing with comments in preparation of Codex sessions relating to imports and exports, food labelling and e-commerce, food additives. Where applicable reports were submitted on behalf of the SA National Committee of the IDF to the IDF as well as the South African Codex Contact point in preparation of CC Africa and Codex session meetings. The next IDF World Dairy Summit and business meetings takes place in Chicago, October 2023 which will be attended by the project manager. Intensive preparation work of the relevant standing committees has been initiated in which the project manager takes part.

Effective liaison between the project management and industry took place on all relevant matters that required action. Liason by means of technical working groups as well requesting comments from industry regularly took place resulting in timeous feedback to Milk SA committees, government and other external bodies e.g. International Dairy Federation, Consumer Goods Council, Livestock Welfare Coordinating Committee, South African Association for Food science and Technology.

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

Effective liaison between the project management and industry took place on all relevant matters that required action. Liason by means of technical working groups as well requesting comments from industry regularly took place resulting in timeous feedback to Milk SA committees, government and other external bodies e.g. International Dairy Federation, Consumer Goods Council, Livestock Welfare

No Non-achievements / underperformance has been reported

Goal 4 - Report to industry via Milk SA structures

Achievements

Industry communication took place on a regular basis via Milk SA communication channels and where relevant MPO and Sampro. Milk SA communication system is well designed and support effective delivery of urgent messages to industry levy payers as well as Milk SA advisory committees and projects.

No Non-achievements / underperformance has been reported

Income and expenditure statement

Income and expenditure statement	Financial Statements Q2 R&S Project.pdf
Unnecessary spending during period	No

Popular Report

[R&S Popular Report Q2 April to June 2023.doc](#)

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