

New meat labelling requirements to come into force today

 By [Leana Engelbrecht](#)

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Over a year has passed since the infamous meat labelling scandal that revealed gross misrepresentations in respect of the content of meat products and the incorrect labelling of meat products not only in South Africa, but globally.



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One would recall that a prominent South African university released a report stating that meat products labelled as beef had been found to contain traces of donkey, water buffalo and goat meat as well as soya.

Certain prescribed information made a requisite

During October 2013 the Minister of Trade and Industry, Dr Rob Davies, published a notice, in terms of section 24 of the Consumer Protection Act, 68 of 2008 (CPA) prescribing that processed and packaged meat products and dried and packaged meat products must contain certain prescribed information. Suppliers of these products will be required to comply with this notice and ensure that the requisite information appears in the trade description of the products as of 25 April 2014.

A trade description is broadly defined in terms of the CPA and includes any description, statement or other direct or indirect indication as well as any figure, work or mark (although trade marks are specifically excluded) which is understood to be an indication of:

- (i) the number, quantity, measure, weight or gauge of any goods;
- (ii) the name of the producer of any goods;
- (iii) the ingredient of which any goods consist or the material of which any good is made;
- (iv) the country of origin of the goods;
- (v) the methods of manufacturing or producing the goods; or
- (vi) whether the goods are subject to patent, privilege or copyright.

Trade descriptions need not be directly applied to goods but can also be attached to the goods, displayed with or in the proximity of the goods or contained in a sign, advertisement, catalogue, invoice, business letter etc.

From this date the trade description of processed and packaged meat products and dried and packaged meat products must state:

1. The number, quantity, measure, weight or gauge of the goods;
2. The name of the producer of the goods;
3. The ingredients of which the goods consist, or material of which the goods are made, including a plain language description of the animal from which any particles, portions or constituents of meat were derived (amusingly the notice specifically states as examples, water buffalo, horse and donkey); and
4. The mode of manufacturing or producing the goods.

In addition to these specific disclosures in terms of the notice, section 24 of the CPA requires that producers and importers of these goods (being goods that are required to have trade description applied to them) must also ensure that the country of origin of the goods is contained in the trade description.

Compliance falls mainly on retailers

One would anticipate that the bulk of the effort to ensure compliance with section 24 of the CPA would fall on the producer or importer of the goods, but this is not the case. The producers and importers are obliged to ensure that the information appears in the trade description of the goods. Retailers, on the other hand, have the amorphous obligation to ensure that it does not offer for supply, display or supply any goods that contain an incorrect or misleading trade description or contains a trade description which the retailer could reasonably determine or has reason to suspect is incorrect or misleading.

Although this regulatory intervention is not particularly far reaching (since other legislation and regulations and general principles regarding marketing already prohibit misleading statements made to consumer, whether in trade descriptions or otherwise) it is indicative of the commitment of the South African Government to consumer welfare.

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- Leana Engelbrecht is a senior associate in the Competition Practice at Baker McKenzie.
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