

**PROCEDURE FOR STAKEHOLDERS: SUBMISSION OF LABELS FOR EVALUATION BY DAFF INSPECTORS WITH REGARD TO PRODUCTS REGULATED UNDER THE AGRICULTURAL PRODUCT STANDARDS ACT, 1990 (ACT NO.119 OF 1990)**

**1. INTRODUCTION**

Every manufacturer/packer/retailer/importer of agricultural and related products intended for sale in South Africa and regulated under the Agricultural Product Standards Act, 1990 (Act No.119 of 1990) [APS Act] has a responsibility to ensure that their products are labelled in accordance with the marking requirements set out in the regulations relating to the product concerned.

It is therefore important for each stakeholder to familiarise themselves with the provisions of the APS Act and its regulations. All the latest regulations can be accessed on the Department of Agriculture, Forestry and Fisheries' (DAFF) website by following the below link and route:

[www.daff.gov.za](http://www.daff.gov.za) → Branches → Agricultural Production Health & Food Safety → Food Safety & Quality Assurance → Local and Import Regulations

Stakeholders should however take note that, in terms of the APS Act and its regulations, it is not a mandatory requirement to submit labels for evaluation to the DAFF (a) during the process of designing of labels/artwork, (b) prior to printing of labels, (c) prior to presenting the product for sale, or (d) prior to importing the product concerned. It is however recommended since it will prevent the issuing of directions/seizures by DAFF inspectors in the trade for non-complying products, prevent any disruptions in the trade, and minimise write-off costs of incorrect labels and the costs incurred with the designing and printing of revised/ new labels.

Stakeholders who want to have their labels evaluated may approach the inspectors of the Directorate Inspection Services (DIS) of the DAFF at the regional office closest to them for assistance.

**Please take note:**

- (a) Comments provided by the DAFF inspectors on labels submitted should be regarded as recommendations only and are based on their interpretation of the marking requirements in the regulations concerned.
- (b) The recommendations made by the DAFF inspectors do not cover any other legislation published under another Act, and it is every stakeholder's responsibility to ensure that all other applicable legislation are also taken into consideration, such as but not limited to –
  - (i) Regulations published under the Foodstuffs, Cosmetics and Disinfectants Act, 1972 (Act No. 54 of 1972) of the Department of Health (e.g. regulation R.146 of 1 March 2010); and
  - (ii) The Legal Metrology Act, 2014 (Act No.9 of 2014) as applied by the NRCS.

## **2: PROCEDURE – SUBMISSION OF LABELS FOR EVALUATION**

### **2.1 General**

2.1.1 Stakeholders may submit draft labels for evaluation directly to the Directorate Inspection Services' regional office closest to them. A list of all the regional offices with the contact details is attached as Annexure A.

2.1.2 All draft labels may be submitted by hand or via normal mail, fax or e-mail.

*Please Note:*

It is important to keep in mind that the letter sizes of printed copies of labels submitted via e-mail or fax usually do not correspond with the size/scale of the original label. The actual size (in mm) of wording as it will appear on the final printed label should therefore also be indicated when making a submission for evaluation in this manner.

2.1.3 Stakeholders shall include all the necessary technical information (e.g. exact composition, fat content, % juice content, etc.) in relation to the product concerned to enable inspectors to make the correct recommendations.

*Please Note:*

When deemed necessary, inspectors may have to visit the factory, head office/regional office, etc., first to verify certain information or gather more information (e.g. regarding the production process, etc.).

2.1.4 Labels shall always be kept in a safe location, be treated as confidential and the stakeholder's propriety rights be protected.

### **2.2 Receipt and evaluation of labels by the DAFF inspector**

2.2.1 DAFF inspectors shall upon receipt of the labels, acknowledge receipt thereof in writing within 2 working days.

2.2.2 If the labels are found to be –

(a) non-compliant, the DAFF inspector shall forward his/her written recommendations to the stakeholder concerned within 5 - 10 working days from the date of receipt, depending on his/her workload; or

(b) compliant, the DAFF inspector shall inform the stakeholder in writing within 5 - 10 working days from the date of receipt, depending on his/her workload, that the marking requirements have been met according to his/her interpretation of the regulation concerned.

2.2.3 In the case where labels have to be revised, stakeholders may re-submit the rectified labels to the DAFF inspector for evaluation.

*Please Note:*

Stakeholders should not assume that the evaluation of re-submitted labels will be carried out immediately. All such labels will be treated as a new submission and the normal procedure will be followed by the DAFF inspector.

- 2.2.4 Once the marking requirements have been met, stakeholders must provide the DAFF inspector with 2 examples each of the final labels which will then be date stamped and signed by the inspector.

The one set of labels that has been date stamped and signed will be for the stakeholder's own records, while the remaining set will be kept on record at the DAFF regional office concerned.

### 2.3 *Disputes*

- 2.3.1 In the case where a stakeholder disputes the recommendations provided by the DAFF inspector regarding the interpretation of e.g. a specific clause in the regulation concerned, the use of a specific claim or trade mark, etc., the stakeholder shall submit his/ her reasons why he/ she has a different opinion/ interpretation about the legislation.
- 2.3.2 If the stakeholder and DAFF inspector still cannot reach agreement on the interpretation, the stakeholder may request the inspector to escalate the issue to the policy unit at the Directorate Food Safety and Quality Assurance (FSQA) in Pretoria for clarification.

The intervention/ opinion provided by the Directorate FSQA will be deemed final and binding.

---

### **REVISION HISTORY**

Original issued on 4 March 2016.

<b>Revision No.</b>	<b>Entered by:</b>	<b>Date:</b>

**Issued by:**  
**The Department of Agriculture, Forestry and Fisheries, South Africa**  
**Directorate Food Safety and Quality Assurance**