

# National Department of Health: Food Control & Food Legislation

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## SCOPE

- Overview of Roles & Responsibilities for Food Control & Food Legislation in South Africa
- South African Food Control System
- Food Control & Food Legislation
- Foodstuffs, Cosmetics and Disinfectants Act, No 54 of 1972
- General Hygiene Requirements for Food Premises and the Transport of Food R 962 of 2012
- Certificate of Acceptability
- Regulations Governing Microbiological Standards for Foodstuffs and Related Matters (R 692 of 1997) & Regulations Relating to Milk and Dairy Products (R 1555 of 1997)
- WHO Five Keys to Safer Food
- Offences
- Contact Details

# National Department of Health: Food Control & Food Legislation

## Overview of Roles & Responsibilities for Food Control & Food Legislation in South Africa

*“A mandatory regulatory activity of enforcement by national or local authorities to provide Consumer Protection and ensure that all foods during production, handling, storage, processing and distribution are Safe, Wholesome and Fit for Human Consumption; conform to Quality and Safety requirements; and are honestly and accurately Labelled as prescribed by law”*

*“Assurance that food will not cause harm to the consumer when it is prepared and/or eaten according to its intended use”*

# South African Food Control System

National  
Provinces  
Assignees

National

Municipalities

## DAFF

QA & Export of  
Regulated  
agricultural  
products

Registration of  
pesticides &  
stock remedies

Meat Hygiene,  
Import & Export  
of fresh / frozen /  
chilled meat etc

SPS Enquiry  
Point

## DoH

Import, Manufacture,  
Sale & Export  
("Processed  
Products")

"Food Safety  
Regulations"

Nutritional Labelling

CODEX Contact  
Point

INFOSAN Emergency  
Contact Point

RASFF Contact Point

## DTI

### NRCS

Canned and  
frozen fish/products

Fresh seafood

Canned meat  
products (>10%)

Imports &  
Certification of  
exports

### SABS

TBT Enquiry Point

VOLUNTARY

Standards

### SANAS

### NCC

Consumer Protection Act, 2008 ---NCC

Monitor the Consumer Market, investigate alleged prohibited conduct and offences and enforce compliance notices

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- To control the [Sale](#), [Manufacture](#), [Importation](#) and [Exportation](#) of Foodstuffs, Cosmetics and Disinfectants; and to provide for incidental matters
- [Administered](#) by the Directorate: Food Control at national level
- Approximately [50](#) sets of Regulations divided into [13](#) Categories
- Control of [imported](#) foodstuffs by [National \(3 Regions\)](#)
- Enforcement of [local foodstuffs](#) by [52 Metro/ district Municipalities](#)

# National Department of Health: Food Control & Food Legislation

## FOODSTUFFS, COSMETICS AND DISINFECTANTS ACT, NO 54 OF 1972

Prohibition of sale, manufacture or importation of certain articles

2. (1) Subject to the provisions of subsection (2) and section 6, any person shall be guilty of an offence-

(b) if he sells, or manufactures or imports for sale, any foodstuff-

**(i) which is contaminated**, impure or decayed, or is in terms of any regulation deemed to be harmful or injurious to human health;

**(ii) which contains** or has been treated with a substance not present in any such foodstuff **when it is in a normal**, pure and sound condition;

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## **FOODSTUFFS, COSMETICS AND DISINFECTANTS ACT, NO 54 OF 1972**

- Forbid sale of Foodstuffs that may be detrimental/harmful to health
- Endeavours to protect consumer from exploitation by false / misleading claims
- Attempts to provide consumer with information – make informed choices

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## PHILOSOPHY (1) REACTIVE

- Places onus on:
  - Manufacturer/Seller and Importer to comply
  - Law enforcer to establish whether product complies (*Enforcer reacts to particular situation*)
  - Provides for approval & stipulation of max levels of certain ingredients to be used, eg food additives, MRLs

## PHILOSOPHY (2) PROHIBITIVE

Nothing added/removed unless permitted (eg Sudan Red)

Substances allowed shall:

- Non injurious/harmful
- Present in minimum amounts
- Comply to standard of composition, strength, purity, quality

Unavoidable presence of foreign substance: (eg Melamine)

- present if permitted
- at specific level



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## GENERAL HYGIENE REQUIREMENTS FOR FOOD PREMISES AND THE TRANSPORT OF FOOD R 962 OF 2012

- Proper food Handling & Preparation can prevent most food-borne diseases
- To prevent food-borne diseases we have to improve hygiene
- All premises where food is or will be 'handled' (*prepared, packed, processed, produced, manufactured, stored, exhibited or served*) are subject to prior health approval and certification (*Certificate of Acceptability*) by a registered professional Environmental Health Practitioner (EHP)
- The *person in charge of any food premises* shall apply in writing to the local authority in whose area of jurisdiction the food premises are situated
- An inspector may by means of a *written notice prohibit* the use of the premises if a health hazard exists

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## CERTIFICATE OF ACCEPTABILITY (COA)

- The CoA is issued in terms of:
  - the structure,
  - the owner and / or person in charge
  - The nature of handling
- If any of these change then the CoA must be reevaluated and reissued as deemed by the EHP.
- Compliance to the rest of the regulation does require a inspection frequency.

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## PROHIBITION REQUIREMENTS (COA)

- During an inspection (after CoA was issued) a condition exist that can cause a health hazard or if they do not comply with the provisions of the regulations:
- EHP issue a **prohibition notice ito Reg 4(2)** for the business to rectify within a certain period
- Time frame - 6 months
- During this period **the CoA EXPIRES TEMPORARILY**
- After receiving a request for the removal of a prohibition, an inspector shall within 72 hours inspect the premises and inform owner in writing of outcome
- Follow-up inspection within 72 hours to remove prohibition
- If the prohibition is not removed within 6 months the CoA will **EXPIRE PERMANENTLY**

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## STANDARDS AND REQUIREMENTS – R 962 OF 2012

### GENERAL HYGIENE REQUIREMENTS FOR FOOD PREMISES AND THE TRANSPORT OF FOOD R 962 OF 2012

- **Food premises (CoA - Regulation 5)**
- **Facilities on food premises (CoA - Regulation 6)**
- Food containers
- Display, storage and temperatures of food
- Protective clothing
- **A person in charge of a food premises [Regulation 10 (b)]**

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## **STANDARDS AND REQUIREMENTS – R 962 OF 2012**

### GENERAL HYGIENE REQUIREMENTS FOR FOOD PREMISES AND THE TRANSPORT OF FOOD R 962 OF 2012

- A food handler
- The handling of meat
- The transport of food
- Unprocessed products
- Exemptions, additional requirements and reservations

**COMPLIANCE TO ALL OF THESE PROVISIONS REQUIRES A INSPECTION FREQUENCY**

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REGULATIONS GOVERNING MICROBIOLOGICAL STANDARDS FOR FOODSTUFFS AND RELATED MATTERS (R 692 OF 1997) & REGULATIONS RELATING TO MILK AND DAIRY PRODUCTS (R 1555 OF 1997)

- The Regulations provide **minimum microbiological criteria** to which all foodstuffs listed therein should comply
- Although not all foodstuffs are indicated under the regulations, the Act, indicates that no one should sell food, intended for human consumption, if that food is in any way injurious to human health (**Section 2 of FCD Act**).

# National Department of Health: IEC Material

## WHO FIVE KEYS TO SAFER FOOD

The World Health Organization (WHO) recognized the need to educate food handlers about their role in food safety

- Introduced the ***Five Keys to Safer Food***
  - Each Key represents a simple message to help prevent foodborne disease
  - Basic essentials of food hygiene that require appropriate behaviours by Food Handlers and consumers
  - Communication of these simple messages, accurately & repeatedly can help public adopt the behavioural objectives & will result in adherence to these simple rules and prevent food borne outbreaks

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## OFFENCES

- Any person who contravenes any provision of the Act / Regulations or allows such a contravention to take place shall be guilty of an offence.
- Would be liable for a penalty if convicted in terms of Section 18 of the FCD Act.



# National Department of Health: Food Control & Food Legislation

## Where to find us in case you need:

- Information
- Guidelines
- Legislation
- Information Guidelines
- [campbp@health.gov.za](mailto:campbp@health.gov.za)
- Tel: 012 3958788/8811
- [thabec@health.gov.za](mailto:thabec@health.gov.za)
- Tel: 0123958790
- [dupless@health.gov.za](mailto:dupless@health.gov.za)
- Tel: 012 3958787
- Topical Issues
- IEC materials
- To contact Us:
  - [www.health.gov.za](http://www.health.gov.za)
  - Click on: About Us
  - Click on: Programmes
  - Click on: Health Regulation & Compliance Management
  - Click on: Food Control, Pharmaceutical Products and Trade Regulation
  - Click on: Food Control

# Questions & Answers