

USDA Foreign Agricultural Service

GAIN Report

Global Agricultural Information Network

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South Africa - Republic of

Post: Pretoria

Biotech Labeling Requirement in Consumer Protection Act Delayed

Report Categories:

Biotechnology - GE Plants and Animals

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Report Highlights:

on October 9, 2012, the Minister of the Department of Trade and Industry extended the comment period for the Consumer Protection Act, as it related to products containing genetically engineered ingredients. The extended comment period is a response to the outpouring of comments from the business community and trade partners, that the Act, as written, created uncertainty in what products required labeling and how the Act would be implemented.

General Information:

In response to the outpouring of comments from the business community and trade partners, the Minister of Trade and Industry, on October 9, 2012, proposed amendments to the regulations of the Consumer Protection Act, in particular the product labeling and trade descriptions of genetically engineered (GE) ingredients in products. The Minister proposed changing the wording “genetically modified organisms” in the regulation to “genetically modified ingredients or components”. The Minister gave 30 days for comments from the public on the propose changes.

South Africa’s Consumer Protection Act (68/2008) came into law on April 1, 2011, after a significant delay, as the legislation generated a wave of comments from the private sector and trade partners over many provisions and uncertainty over how the Act would be implemented and enforced. In terms of biotech events, the act states that all food containing GE ingredients needs to be labeled as such. These GE labeling regulations push down many new challenges to businesses in South Africa and in May 2012, Business Unity South Africa (BUSA) met with the Commissioner of the Consumer Protection Act to discuss these challenges. BUSA tabled the following concerns regarding GM labeling to the Commissioner:

- The inclusion of GE labeling in the Consumer Protection Act is not necessary as it is already covered by regulations No. R25 of the Foodstuffs, Cosmetics and Disinfectant Act, Act No. 54 of 1972, administrated by the Department of Health;
- To adhere to the current regulations regarding GE labeling will increase the cost of food and impact negatively on the consumer and household food security;
- The current regulations referred to “genetically modified organisms” as defined in Section 1 of the Genetically Modified Organisms Act, Act No. 15 of 1997. The current commercially approved GMO’s in terms of the latter are corn, soybeans and cotton. Inevitably, downstream products are not covered and therefore the existing regulations might not be applicable;
- There are currently only a few laboratories in the country and these would be unable to absorb the pressure of testing every batch from the farm gate and throughout the value chain.