

Food Control : Legislative Updates



**Merieux NutriSciences Webinar:
“*Food Industry 2021: What to expect from
Regulation*”**



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Food Control**



18 February 2021



Presentation Overview



- Background & Context
- Food Control & CoViD
- Legislative Updates - 2018
- On the Horizon





“A mandatory regulatory activity with 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”

FOOD SAFETY :



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



Government must ensure safe & nutritious food for all!





Food hygiene

Food Hygiene: All Conditions and Measures necessary to ensure the Safety and Suitability of Food at All Stages of the Food Chain



**World Health
Organization**



**Food and Agriculture
Organization of
the United Nations**

'Multi-Agency' Food Control Policy Environment

Agriculture

Food Security, GAP, Agricultural Inputs, Quality, Veterinary Public Health

Enforcement:

National Provincial
Veterinary Public Health
Officers/Inspectors

Assignees

Trade

NRCS: Canned Meat, Fish & Seafood as assigned/regulated by Health Minister

SQAM (ISO/SANAS/SABS)

Enforcement:

NRCS Inspectors
CPA, Inspectors

Health

Food Safety, Food Labelling, Regulatory Nutrition, Surveillance, Environmental Health, Nutrition, Outbreak Response

Enforcement:

Environmental Health Practitioners (EHPs):
National & Local Government



FARMING & AGRICULTURE



FOOD PROCESSING



FOOD PACKAGING & STORAGE



TRANSPORT & LOGISTICS



FOOD RETAIL & SERVICES

Food Hygiene & Food Safety





Department of Health Directorate: Food Control

For more information visit:
www.doh.gov.za/departments/dir_foodcontr-f.html



Department of Health Directorate: Food Control

Objective:

The Department of Health through the Directorate: Food Control ensures an optimal non-personal preventative primary health care service, in respect of the safety of food for the South African community based on basic needs and the right to make informed choices without being misled by means of scientifically founded legislation, auditing and information actions.

What is Food Safety?*

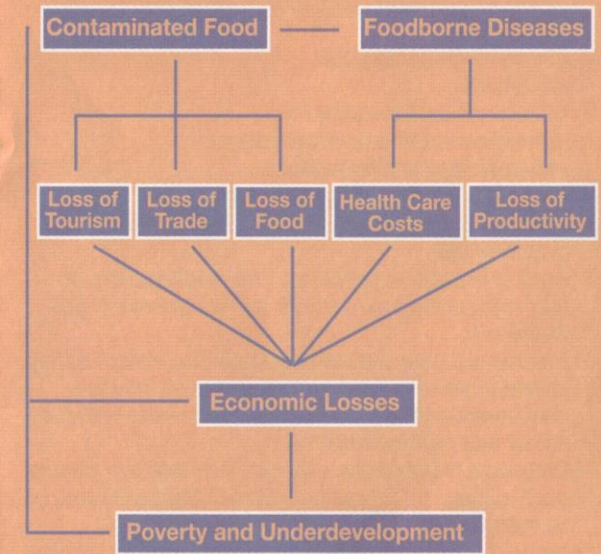
Assurance that food will not cause harm to the consumer when it is prepared and eaten according to its intended use.

What is Food Control?*

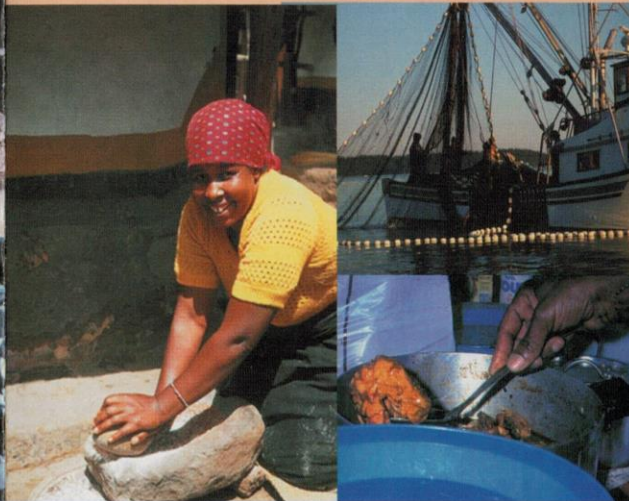
A mandatory regulatory activity of enforcement by national or local authorities to provide consumer protection and to ensure that all foods during production, handling, storage, processing and distribution are safe, wholesome and fit for human consumption, conform to quality and safety requirements and are honestly and accurately labelled as prescribed by law.

* Source: WHO

Health and economic consequences of food contamination*



* Source: WHO



Food Control – Roles and responsibilities of the Health Sector

National level (Directorate: Food Control):

- Administer, compile and publish legislation on, *inter alia*:
 - Food hygiene/ HACCP
 - Additives
 - Chemical contaminants
 - Pesticide/veterinary drug residues
 - Microbiological standards
 - Nutrition, labelling and advertising;
- Initiate, coordinate and evaluate food monitoring programmes;
- Audit and support provinces and municipalities on food control matters such as law enforcement, port health etc.;
- Enforce, educate and communicate food control/ safety issues to stakeholders such as the food industry, consumers and other departments dealing with food safety and related matters;
- Participate in intersectoral co-operation with role players such as Dept. of Agriculture, South African Bureau of Standards, and others;
- Act as the national contact point for international bodies such as the United Nation's joint Food and Agricultural Organisation and World Health Organisation's Codex Alimentarius Commission; and
- Evaluate agricultural remedies, chemicals and foods produced by means of modern biotechnology (GMOs).

Provincial level (Environmental Health Services):

- Audit, support and co-ordinate municipalities/Health Districts;
- Control imported food (Port Health); and
- Promote intersectoral co-operation.

Municipalities (Environmental Health Services):

- Law enforcement of food legislation;
- Inspection and sampling;
- Investigate complaints/food poisoning incidences;
- Health promotion/education;
- Ensure intersectoral co-operation;
- Health certification of food premises and food exports; and,
- Implement community projects, for example, on street foods.

Components of a food control system in South Africa

Legislation/Policies:

- The Foodstuffs, Cosmetics and Disinfectants Act (No 54 of 1972);
- Departmental and other guidelines; and
- Codex Alimentarius documents.

Inspection & monitoring:

- Routine food and food premises inspection; and,
- Routine/special/*ad hoc* food sampling programmes.

Food safety/epidemiological data:

- Notification / surveillance of cases of:
 - Food poisoning
 - Typhoid
 - Brucellosis
 - Cholera
 - Other foodborne diseases;
- National Food Consumption Survey; and
- Risk assessment of pesticides / GMO's / veterinary drugs.

Information/education/communication (IEC):

- Department of Health's website: www.doh.gov.za;
- Directorate's newsletter;
- posters / brochures / pamphlets on food safety;
- Street foods CD-rom; and
- Directorate's training seminars.

Analytical services:

- Chemical laboratories (Pretoria and Cape Town); and
- Microbiological laboratories (branches of NHLS, municipalities, etc.)



Food safety and health - Interaction with other programmes *



* Source: WHO



HEALTH'S FOOD CONTROL LEGISLATION: DEPARTMENT OF HEALTH (NDOH)



Foodstuffs Cosmetics and Disinfectants Act, (Act 54 of 1972)
(FCD,1972):

- 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
- Control of imported foodstuffs by National (3 Regions)
- Enforcement of manufacturing, sale and export of foodstuffs by 52 Metro/ District Municipalities
- Approximately 50 sets of Regulations



A Long and Healthy Life for All



FCD, 1972 IN SUMMARY



- **Forbid sale of F, C & D 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 & HEALTHY choices**



A Long and Healthy Life for All



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/additives to be used e.g. food additives, quality & compositional matters**



A Long and Healthy Life for All



PHILOSOPHY (2) PROHIBITIVE



- TRADEMARKS
- False Description-
nature, origin,
contents etc



DIET WATER

Because normal water is full of calories.



PHILOSOPHY (2) PROHIBITIVE



- **Nothing added/removed unless permitted (E.g. Sudan Red)**
- **Substances allowed shall:**
 - Non injurious/harmful
 - Present in minimum amounts
 - Comply to standard of composition, strength, purity, quality
- **Prohibitions can be specified**



PHILOSOPHY (3) PRESCRIPTIVE & RESTRICTIVE



- Labelling-format, appearance, size etc.
- Exemptions
- Unavoidable presence of foreign substance: (e.g. Allergens, Residues, Melamine)
- Standards for composition, strength, purity, quality
- Standards for Foodstuffs & Containers/Contact
- Standards for Premises
- Standards for Persons



A Long and Healthy Life for All



Foodstuffs Cosmetics & Disinfectants Act, 1972 (Act No. 54 of 1972)



Regulations are published for :

- **Food Safety** -Foodstuffs/Contact & Premises
- **Nutritional Composition & Labelling** :
 - Information for Decision Making/Misleading
- **Health/Nutrition (Wholesome) Outcomes** :
 - Levels e.g. Trans Fats/Na
 - Fortification & Iodation

LEGISLATION IS IN SUPPORT OF
GOOD HEALTH & NUTRITION
& POSITIVE/OPTIMUM HEALTH OUTCOMES
“A Long and Healthy Life for All”



Food Control & CoViD



Business as Usual in Unusual Circumstances

- Responding to queries (lots) & Communication with:
 - Regulatory & Enforcement Authorities
 - Industry
 - Consumers
 - International Bodies – WHO /EU RASFF (No CODEX!)
 - Integrated Management Team (established for every Outbreak/Epidemic Response)
- Horizon scanning e.g. Risk Assessments, Research
- Retirements x 2 (4 Vacancies)





Legislative Update: 2018



BIOLOGICAL SAFETY & PROG SUPPORT



2018: Hygiene Regulations No. R 638/ 2018

What has changed?

- **Science** - Alignment with Codex & WHO (e.g. 5 Keys to Safer Foods) Emphasis is still Preventive Controls/PRPs
- **Updates:** *inter alia*, definitions, deletion of sections or movement of certain Regulations to enhance clarity etc.
- Inclusion of Hygienic **Requirements** for **Appliances, Bulk Milk Tanks** and **Butchery Equipment**
- Provisions or issues from other Regulations:
 - **General Health Regulations (Transportation of Meat & Meat Products)** No. R. 180 of 10 February 1967 &
 - **Marine Foods** - No. R 2064 of 2 November 1973



BIOLOGICAL SAFETY & PROG SUPPORT



- SECTION 10 ! :
 - Training
 - Recalls
 - Record Keeping ++
 - Traceability
- CoA - All had to be Re-issued/Renewed
 - Revised **ONLY** Conditions for Re-Issue (Renewal) are:
 - (a) Compliance to the New Regulation
 - (b) changes to the structure/vehicles
 - (c) change in Owner and / or Person in Charge
 - (d) change in the nature of handling



BIOLOGICAL SAFETY & PROG SUPPORT



2018 cont. :

Hazard Analysis & Critical Control Point Amendment- R607/2018

- The listing of Meat & Chicken Processors requires a mandatory HACCP System effective March/ April 2019



Chemical Safety



- Heavy Metals Regulations (R 588/2018)
- Repeals:
 - Certain provisions of the 1929 Regulations that were compositional in nature &/or outdated. NB Certain Provisions retained!!
 - Compositional Regulations e.g. edible fats & oils, Mayonaise
- Pesticide Regulations Amendment – R 119/2020



REGULATORY NUTRITION



- Amendment/Correction - Reduction in Sodium





On the Horizon



Biological Safety & Prog Support (Manager: Vacant)



- HACCP Listing ? +++
 - Mills & Processors – Fortification
 - MILK???? Others
- Microbiological Regulations (JEMRA)
- Milk Regulations R1555/1997– (Industry)
- Inspection Regulations Amendment (interpretation)



Chemical Safety (Manager:Vacant)



- Pesticides Amendment/New Regulation??
- DRAFT Preservatives & Anti-Oxidants (GSFA)
 - ??? Additives Regulations
(All including Colourants, Preservatives, Antioxidants, etc)
- Veterinary Residues & Stock Remedies (SAHPRA & Act 36)



Regulatory Nutrition (Manager: Mr Malose Matlala)



- Final: Fortification Regulations (Nutrition)
Link Monitoring to HACCP ??
- Final: Amendment Foodstuffs for Infants, Children and Young Children (Nutrition)
- DRAFT Foods for Special Medical/Dietary Purposes
- “Boerewors” Repeal (Chemical Safety)



Regulatory Nutrition (Manager: Mr Malose Matlala)



Planned:

- DRAFT Marketing to Children & FOP
- Revised Final Labelling

TYPICAL NUTRITIONAL INFORMATION			
Single Serving: 1 x 114 g cake slice (Butter used)			
TYPICAL NUTRITIONAL VALUES*	Unit	Per 100 g ready to eat product	Per single serving (1 cake slice)
Energy	kJ	1811	2065
Protein	g	3.6	4.1
Glycaemic Carbohydrate	g	57	65
of which Total Sugar	g	34.2	39.0
Total Fat	g	21.1	24.1
of which Saturated Fat	g	6.4	7.3
Dietary Fibre*	g	1.8	2.1
Total Sodium	mg	344	392

* Values from SANAS Accredited Laboratory.
* Test method: AGAC 985.29.

BUT internal Policy decision,

- Revised Labelling Regulations including FOP/Marketing to Children



Food Legislation Advisory Group (FLAG)




- Last met in Sept 2018 due to:
 - a number of operational issues
 - Internal discussion on its “formalization” - Advisory *vis a vis* Advocacy
 - Proposal to DG/Minister
 - Any inputs welcome!



International Matters

- **World Food Safety Day**

- Annual - 7 June
- Theme & Visual Identity to be launched - 18 February (Today) at 15h00 (CET)  @FAOWHOCodex

- Food Safety Day Website

- **Codex**

- Updated Schedule: “New Normal”
- Co-Ordination Updates

Food safety,
everyone's
business



Nutritious

SAFE FOOD FOR ALL

Food Safety, Everyone's Business

Food Legislation &
Law Enforcement

Advice For
Industry/Traders

Consumer
Education

Info Gathering &
Research

Providing Health-
Related Services

GOVERNMENT

Educated And Know-
ledgeable Public

Discriminating &
Selective Consumers

Safe Food Practices
In The Home

Community
Participation

Active Consumer
Groups

CONSUMERS

GMP's by Primary
Producers/Distrib.

QA & Control of
Processed Food

Appropriate Processes
And Technology

Trained Managers &
Food Handlers

Informative Label-
ling & Consumer Educ.

INDUSTRY/TRADERS



NATIONAL COMMITMENT TO FOOD SAFETY

**WHO LEADERSHIP FOR INTERNATIONAL CONSENSUS
ON FOOD SAFETY ISSUES, POLICY & ACTIONS**

"2020 - WHA RESOLUTION 73"



Food Control Webpage & Contact Details



Go to: www.health.gov.za/FOODCONTROL

Under Construction!!!

Contact Details: All Officials still function with limited email access

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Thank You!!!



Ndiyabulela

Ngiyabonga

Ke a leboha

Ke a leboga

Ke ya leboga

Ngiyathokoza

Inkomu

Ndi khou livhuha

Dankie

