# NATIONAL ASSEMBLY

**FOR WRITTEN REPLY**

**QUESTION NO. 281**

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**(INTERNAL QUESTION PAPER NO. 02)**

**Mr Shaik Emam (NFP) to ask the Minister of Health:**

How his department intends to deal with thousands of (a) food and (b) health products manufactured and/or imported into South Africa which place millions of people’s lives at risk because they are not tested and do not conform to our health standards, including correct labelling?

###### NW285E

**REPLY:**

The Department of Health administers the Foodstuffs, Cosmetics and Disinfectants Act, 1972 (Act No. 54, 1972), as amended in 2007. There are a number of Regulations published in terms of this Act to ensure that all foods are safe for human consumption in South Africa. All foodstuffs imported into the country are subject to inspections by Port Health Officers (PHOs) who are deployed by the Department of Health at the designated commercial ports of entries throughout the country and responsible for import control of foodstuffs. This includes inspection of these products, and where necessary at their professional discretion they may take samples randomly. If the samples are taken they are submitted for analysis at the Forensic Chemical Laboratories of the Department of Health in Pretoria and Cape Town to conduct tests as requested to ensure compliance. The food products should also be correctly labelled in compliance with the Regulations relating to Labelling and Advertising of Foodstuffs, No. R. 146 March 2010.

All the foodstuffs manufactured in South Africa are inspected and monitored by the Environmental Health Practitioners (EHPs), employed by the Municipal Health Services of the metro and district municipalities. In the event of non-compliance to any of the Regulations under the Foodstuffs, Cosmetics and Disinfectants Act, 1972 (Act No. 54 of 1972), municipalities will serve notices on the manufacturers and/or sellers concerned, allowing them an opportunity to comply with the relevant requirements. In the event of non-compliance persisting, further steps could be considered, including prosecuting the person(s) concerned in the area of "jurisdiction", where a Magistrate's Court shall have jurisdiction to impose any "penalty". The Laboratories mainly test only what the EHPs have requested and are mostly guided by the Labelling Regulations for enforcement of regulations published under the Foodstuffs, Cosmetics and Disinfectants Act, 1972 (Act No. 54 of 1972).

Furthermore, all complementary medicines, which include health supplements, were called up for registration under the call-up notice R. 870, Government Gazette 37032 of 15 November 2013, which details the amendment to the Regulations in terms of section 35 of the Medicines and Related Substances Act, 1965 (Act 101 of 1965) (Medicines Act). Health supplements are further described in Government Notice R. 716, Government Gazette 37995, 15 September 2014.

These products have to be submitted in accordance with the published road map and are being evaluated for compliance with prescribed requirements for safety, quality and efficacy. The labelling has to comply with the requirements of Regulation 8 to the Medicines Act.

The Law Enforcement unit in the department investigates complaints regarding medicines including health supplements and also check compliance with labelling requirements. These inspectors may also take samples and send them for analysis to Forensic Chemical Laboratory of the Department of Health in Pretoria or the WHO certified laboratory (CENQAM) at the North-West University, Potchefstroom.

END.