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GENERAL NOTICES

NOTICE 1016 OF 2004

Department of Trade and Industry

Notice of intention to issue a Notice in terms of the Merchandise Marks Act, 1941 (Act No. 17 of 1941)

The Minister of Trade and Industry intends to issue the accompanying Notice.
The Notice is hereby published for public comment.

Interested persons are invited to furnish written comment and representation on
or before 30 June 2004 to –

Mr. MacDonald Netshitenzhe
Department of Trade and Industry
Private Bag X 84
Pretoria
0001

Tel: 012 394 1510
Fax: 012 394 2510

E-mail: McDonaldN@thedti.gov.za

NOTICE 1017 OF 2004**NOTICE IN TERMS OF THE MERCHANDISE MARKS ACT, 1941,
(ACT NO. 17 OF 1941)**

I, MANDISI MPAHLWA, MP, Minister of Trade and Industry, hereby, in terms of section 10(1) and 11(1) of the Merchandise Marks Act, 1941 (Act No. 17 of 1941), prohibit the importation into or the sale in the Republic of South Africa, of the goods specified in the Schedule, irrespective of whether such goods were made or produced in the Republic or elsewhere, unless –

- a) there shall be applied to them in a conspicuous and easily legible manner words stating clearly-
 - (i) the country in which they were made or produced;
 - (ii) the registration number of the manufacturing company and / or the registration code of the importer;
 - (iii) the processing stages in the transformation of textiles and clothing goods; and
 - (iv) in the event of a RSA manufacturer using greige goods (woven fabric just off the loom), that are dyed, printed or finished in the RSA, such fact, and such goods shall not be labelled as "Made in South Africa";
- b) they, in as far as applicable, conform to the South African Bureau of Standards: 011: South African Standard for Code of Practice on Care Labelling of Textiles and Clothing, and SABS 0235, for manmade or natural fibres;

- c) there shall be applied to them in a conspicuous and easily legible manner, words or letters stating clearly -
 - (i) the materials of which they are composed and the percentages of such materials calculated either by weight or by volume, and-
 - (aa) in the case of linings, interlinings and padding, such material must be separately disclosed; or
 - (bb) if speciality fibres such as alpaca, mohair, cashmere, camelhair, ilama, vicuna and rabbit hair are used, the percentage weight of that fibre must appear in the disclosure together with the name of the speciality fibre;
 - (ii) in the case of ornamentation, decorations, designs or trimmings exceeding 15% of the surface area of the goods, the fibre content of such ornamentation, decorations, designs or trimmings; and
 - (iii) in the case of elastic, not exceeding 20% of the surface area of the goods, the fibre content of the base fabric;
- d) there shall-
 - (i) if after they have been reconditioned, rebuilt or remade, whether in the Republic or elsewhere, be applied to them in a conspicuous and easily legible manner, words stating clearly that they have been reconditioned, rebuilt or remade, as the case may be;
 - (ii) if a manufactured fibre is a mixture of two or more chemically distinct fibres combined during or after extrusion, be included in the disclosure-
 - (aa) whether it is a bicomponent or multicomponent fibre;

- (bb) the generic names of the component fibres, in order of predominance by weight or by volume; and
 - (cc) the percentage of each component by weight or by volume; and
- e) there shall be applied to them in a conspicuous and easily legible manner, words making disclosure-
 - (i) of the part of the labour expended in the manufacture of the goods in a country other than the Republic of South Africa;
 - (ii) of the part of the material of which the goods are composed, that has been produced in a country other than the Republic of South Africa.


SCHEDULE

Textiles as listed in Chapter 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60 and 63 of Jacobson's Harmonized Customs and Excise Tariff Book.

Clothing as listed in Chapter 61 and 62 of Jacobson's Harmonized Customs and Excise Tariff Book.

Shoes and leather goods as listed in Chapter 42 and 64 of Jacobson's Harmonized Customs and Excise Tariff Book.

This Notice will come into effect from the date of publication.



MANDISI MPAHLWA, MP

MINISTER OF TRADE AND INDUSTRY

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