



Government Gazette Staatskoerant

REPUBLIC OF SOUTH AFRICA
REPUBLIEK VAN SUID-AFRIKA

Vol. 568

Pretoria, 9 October 2012
Oktober

No. 35776

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Trade and Industry, Department of

General Notice

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GENERAL NOTICE

NOTICE 824 OF 2012

CONSUMER PROTECTION ACT, 2008

DRAFT AMENDMENT REGULATIONS ON CONSUMER PROTECTION ACT REGULATIONS, 2011 (PRODUCT LABELLING AND TRADE DESCRIPTIONS: GENETICALLY MODIFIED ORGANISMS)

I, Dr Rob Davies, the Minister of Trade and Industry hereby, in terms of section 120(1) of the Consumer Protection Act, 2008 (Act No. 68 of 2008) intend to make amendments to the regulations in the Schedule.

I hereby invite comments from the public on the proposed regulations on or before thirty (30) days from the date of publication of this notice. Please forward comments to Mr. Ntutuzelo Vananda at:

77 Meintjies Street

Block B, 1st Floor

Sunnyside

Pretoria

Contact no: 012 394 1383

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**DR ROB DAVIES (MP)
MINISTER OF TRADE AND INDUSTRY
DATE:**

GENERAL EXPLANATORY NOTE:

[] Words in bold type in square brackets indicate omissions from existing enactments.

_____ Words underlined with a solid line indicate insertions in existing enactments.

SCHEDULE**Definitions**

In this schedule any word or expression to which a meaning has been assigned in the Act bears the same meaning so assigned, unless the context indicates otherwise.

Amendment of regulation 7 of Regulations**1. Regulation 7 of Regulations is hereby amended by-**

(a) the substitution for subregulation (2) of the following subregulation:

“(2) This regulation applies to all goods that contain genetically modified ingredients or components.

(b) the substitution for subregulation (3) of the following subregulation:

“(3) For purposes of section 24(6) of the Act, and subject to subregulation (4) and (6), this regulation applies to all goods that contain genetically modified ingredients or components which contain at least 5 percent of genetically modified **[organisms]** ingredients or components, irrespective of whether such manufacturing occurred in the Republic or elsewhere, and to marketing material in respect of such goods.”;

(c) the substitution for subregulation (4) of the following subregulation:

“(4) Any good **[or ingredient or component]** to which subregulation (3) applies may not be produced, supplied, imported, or packaged unless a notice meeting the requirements of section 22 of the Act is **[applied to such good or marketing material, as**

the case may be] displayed on, or in association with the packaging of those goods in a conspicuous and easily legible manner and size stating, without change, that the good **[or ingredient or component] “contains genetically modified **[organisms] ingredients or components”.**;**

(d) the substitution for subregulation (6) of the following subregulation:

“(6) A notice meeting the requirements of section 22 of the Act must not state that a good **[or ingredient or component]** does not contain genetically modified **[organisms] ingredients or components** unless such good **[or ingredient or component]** contains less than one percent genetically modified **[organisms] ingredients or components**.”;

(e) the substitution for subregulation (7) of the following subregulation:

“(7) Notwithstanding the provisions of subregulation 7(6), a notice meeting the requirements of section 22 may state that the level of genetically modified **[organisms] ingredients or components** contained in the good **[or ingredient or component]** to which sub-regulation (2) applies is less than 5 percent.”;

(f) the substitution for subregulation (8) of the following subregulation:

“(8) If it is scientifically impractical or not feasible to test goods contemplated in subregulation (2) for the presence of genetically modified **[organisms or] ingredients or components**, a notice meeting the requirements of section 22 of the Act must be **[applied to such goods or marketing material, as the case may be,] displayed on, or in association with the packaging of those goods** in a conspicuous and easily legible manner and size, stating “May contain genetically modified ingredients or components.”;

(g) the substitution for subregulation (9) of the following subregulation:

“(9) This regulation does not amend or repeal or detract from any other regulation applying to product labelling and trade descriptions of goods derived from genetically modified organisms made under or in terms of any other legislation, nor do any such regulations detract from or prejudice this regulation.”

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