

No. R. 109

11 February 2005

FOODSTUFFS, COSMETICS AND DISINFECTANTS ACT, 1972**REGULATIONS RELATING TO THE LABELLING OF ALCOHOLIC BEVERAGES**

The Minister of Health intends, in terms of section 15 of the Foodstuffs, Cosmetics and Disinfectants Act, 1972 (Act No. 54 of 1972), to make the regulations in the Schedule.

Interested persons are invited to submit written comments or presentations on the proposed regulations to the Director-General: Health (for the attention of the Director: Mental Health and Substance Abuse, Department of Health, Private Bag X828, PRETORIA 0001).

SCHEDULE**Definitions**

1. In these regulations, "the Act" means the Foodstuffs, Cosmetics and Disinfectants Act, 1972 (Act No. 54 of 1972), and any word or expression to which a meaning has been assigned in that Act, shall have that meaning and, unless the context indicates otherwise.

"**alcoholic beverage**" means any drink ordinarily consumed by humans or purporting to be suitable, or manufactured or sold for human consumption with an ethyl alcohol content above 1ml per 100ml (one percent (1%) alcohol volume).

Health warnings on container labels

2. (1) Container labels for alcoholic beverages must contain one of the health warnings set out in annexure A of these regulations.

(2) A health warning referred to in subregulation (1) shall-

(i) be visible, legible and indelible and the legibility thereof shall not be affected by any other matter, printed or otherwise;

(ii) be on a space specifically devoted for it which must be at least one eighth of the total size of such advertisement, container label, or promotional material:

(iii) be in black on a white background; and

(iv) be alternated on an equal quantity for each brand every 12 months from the date of commencement of these regulations.

Language

3. A health warning shall be in any of the South African official languages but must be in the same language as that of the container label.

Prohibited statements

4. The following information or declarations shall not appear on any container label of an alcoholic beverage:

(a) Words, pictorial representations, descriptions which may create the impression that such an alcoholic beverage has been manufactured in accordance with recommendations made by-

- (i) a health professional registered in terms of any law;
- (ii) any health organization, association or foundation;

(b) the words "health", "healthy", "heal", "cure", "restorative" or other words or symbols claiming that the alcoholic beverage has health giving, medicinal, therapeutic or prophylactic properties as part of the name or description of the alcoholic beverage; or

(c) the words: Subject to the provisions of the Medicines and Related Substances Act, 1965 (Act no. 101 of 1965) or similar wording that makes reference to the said Act.

Offences and Penalties

5. Any person who contravenes the provisions of these regulations shall be guilty of an offence and upon conviction be liable to a fine or to imprisonment for a period not exceeding five years or to both such fine and imprisonment.

Commencement of regulations

6. These regulations come into operation 12 months from the date of publication.

ME TSHABALALA-MSIMANG
MINISTER OF HEALTH

ANNEXURE A: HEALTH WARNINGS

1. Alcohol reduces driving ability, Don't drink and drive.
2. Don't drink and walk on the road, alcohol kills.
3. Alcohol increases your risk to personal injuries.
4. Alcohol is a major cause of violence and crime.
5. Alcohol abuse is dangerous to your health.
6. Alcohol is addictive.
7. Drinking during pregnancy can be harmful to your unborn baby.