



Government Gazette

REPUBLIC OF SOUTH AFRICA

Vol. 512

Cape Town

28 February 2008

No. 30822

THE PRESIDENCY

No. 248

28 February 2008

It is hereby notified that the President has assented to the following Act, which is hereby published for general information:—

No. 39 of 2007: Foodstuffs, Cosmetics and Disinfectants Amendment Act, 2007.



AIDS HELPLINE: 0800-123-22 Prevention is the cure

Act No. 39, 2007

FOODSTUFFS, COSMETICS AND
DISINFECTANTS AMENDMENT ACT, 2007

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.

(English text signed by the President.)
(Assented to 23 February 2008.)

ACT

To amend the Foodstuffs, Cosmetics and Disinfectants Act, 1972, so as to amend certain definitions and insert new definitions; to authorize medical practitioners, environmental health practitioners and veterinarians to administer the Act; to increase the deposit required for further analysis or examination of a sample; to amplify the Minister's powers to regulate the handling, importation and exportation of foodstuffs, the removal, detention and destruction of food-producing animals or foodstuffs, the inspection of food-producing animals, the medical examination of food handlers and the water used for food processing; to further regulate mollusc farming and fish farming; to omit the provision in respect of secrecy; to simplify the provisions relating to penalties; and to provide for the delegation of power by the Director-General; and to provide for matters connected therewith.

BE IT ENACTED by the Parliament of the Republic of South Africa, as follows:—

Amendment of section 1 of Act 54 of 1972, as amended by section 1 of Act 32 of 1981

1. Section 1 of the Foodstuffs, Cosmetics and Disinfectants Act, 1972 (hereinafter referred to as the principal Act), is hereby amended—

(a) by the substitution for the definition of "appliance" of the following definition:

"**'appliance'** means the whole or any part of any implement, machine, instrument, apparatus, equipment, robot or other object used or capable of being used for, in or in connection with the manufacture, treatment, packing, labelling, storage, conveyance, preparation, display, sale, serving or administering of any foodstuff, cosmetic or disinfectant;"

(b) by the substitution for the definition of "cosmetic" of the following definition:

"**'cosmetic'** means any article, preparation or substance (except a **[drug]** medicine as defined in the **[Drugs Control] Medicines and Related Substances Act, 1965 (Act No. 101 of 1965)**) intended to be rubbed, poured, sprinkled or sprayed on or otherwise applied to the human body, including the epidermis, hair, teeth, mucous membranes of the oral cavity, lips and external genital organs, for purposes of cleansing, perfuming, correcting body odours, conditioning, beautifying, protect- ing, promoting attractiveness or improving or altering the appearance, and includes any part or ingredient of any such article or substance;"

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- (c) by the substitution for the definition of "Director-General" of the following definition:
 "**'Director-General'** means the [Director-General: Health, Welfare and Pensions] head of the national department;"
- (d) by the insertion after the definition of "disinfectant" of the following definitions: 5
 "**'environmental health practitioner'** means a person registered as such in terms of the Health Professions Act, 1974 (Act No. 56 of 1974);
 'export' means to take or send goods, or to cause them to be taken or sent, from the Republic to a country or territory outside the Republic;" 10
- (e) by the substitution for the definition of "foodstuff" of the following definition:
 "**'foodstuff'** means any article or substance (except a [drug] medicine as defined in the [Drugs Control] Medicines and Related Substances Act, 1965 (Act No. 101 of 1965)) ordinarily eaten or drunk by [man] a person or purporting to be suitable, or manufactured or sold, for human consumption, and includes any part or ingredient of any such article or substance, or any substance used or intended or destined to be used as a part or ingredient of any such article or substance;" 15
- (f) by the substitution for the definition of "local authority" of the following definition: 20
 "**'local authority'** means [an institution or body contemplated in section 84(1)(f) of the Republic of South Africa Constitution Act, 1961 (Act No. 32 of 1961)] a municipality as defined in section 1 of the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000);" 25
- (g) by the insertion after the definition of "manufacture" of the following definition:
 "**'medical practitioner'** means a person registered as such in terms of the Health Professions Act, 1974 (Act No. 56 of 1974);" 30
- (h) by the substitution for the definition of "Minister" of the following definition: 30
 "**'Minister'** means the [Minister of Health, Welfare and Pensions] member of Cabinet responsible for Health;"
- (i) by the insertion after the definition of "Minister" of the following definitions: 35
 "**'mollusc'** means any member of the phylum Mollusca, and includes but not limited to squids, clams, snails and chitons and is characterised by a visceral mass, a mantle and a foot;
 'national department' means the national department of Health;"
- (j) by the insertion after the definition of "prohibited article" of the following definition: 40
 "**'provincial department'** means the provincial department responsible for health;" and
- (k) by the insertion after the definition of "treated" of the following definition: 45
 "**'veterinarian'** means a person registered as such in terms of the Veterinary and Para-Veterinary Professions Act, 1982 (Act No. 19 of 1982)."

Amendment of section 10 of Act 54 of 1972, as amended by section 2 of Act 32 of 1981**2. Section 10 of the principal Act is hereby amended—**

- (a) by the substitution for subsection (1) of the following subsection: