



STAATSKOERANT

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[No. 7478

KANTOOR VAN DIE EERSTE MINISTER

OFFICE OF THE PRIME MINISTER

No. 499.

11 Maart 1981.

Hierby word bekend gemaak dat die Staatspresident sy goedkeuring gegee het aan die onderstaande Wet wat hierby ter algemene inligting gepubliseer word:—

No. 32 van 1981: Wysigingswet op Voedingsmiddels, Skoonheidsmiddels en Ontsmettingsmiddels, 1981

No. 499.

11 March 1981.

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

No. 32 of 1981: Foodstuffs, Cosmetics and Disinfectants Amendment Act, 1981.

Act No. 32, 1981

FOODSTUFFS, COSMETICS AND DISINFECTANTS
AMENDMENT ACT, 1981

GENERAL EXPLANATORY NOTE:

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

Words underlined with solid line indicate insertions in existing enactments.

ACT

To amend the Foodstuffs, Cosmetics and Disinfectants Act, 1972, so as to substitute certain designations therein; entrust the powers, duties and functions of inspectors in respect of foodstuffs also to certain other persons; regulate afresh the inspection and control of imported foodstuffs, cosmetics and disinfectants under certain circumstances and the disposal of prohibited articles which have been imported; and make further provision for the prescribing of standards for different attributes of foodstuffs, cosmetics or disinfectants; and to provide for incidental matters.

(English text signed by the State President.)
(Assented to 20 February 1981.)

BE IT ENACTED by the State President and the House of Assembly of the Republic of South Africa, as follows:—

Amendment of
section 1 of
Act 54 of 1972.

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

(a) by the insertion after the definition of “describe” of the following definition:

“‘Director-General’ means the Director-General: Health, Welfare and Pensions;”;

(b) by the deletion of the definition of “import harbour”; 10

(c) by the substitution for the definition of “Minister” of the following definition:

“‘Minister’ means the Minister of Health, Welfare and Pensions;”;

(d) by the deletion of the definition of “Secretary”. 15

Amendment of
section 10 of
Act 54 of 1972.

2. Section 10 of the principal Act is hereby amended—

(a) by the substitution for paragraph (a) of subsection (3) of the following paragraph:

“(a) in respect of any foodstuff, cosmetic or disinfectant referred to in section 14 (3), by an officer of 20 the **[Department of] Office of the Commissioner** for Customs and Excise authorized thereto in writing, either in general or in a particular case, by the **[Secretary] Commissioner** for Customs and Excise;”;

(b) by the addition to subsection (3) of the following paragraph: 25

“(e) in respect of any foodstuff, by any person appointed under section 18 of the Standards Act, 1962 (Act No. 33 of 1962), as an inspector for the 30 purposes of that Act.”.

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Substitution of
section 14 of
Act 54 of 1972.

3. The following section is hereby substituted for section 14 of the principal Act:

"Examination, control and disposal of certain imported articles.

14. (1) If any foodstuff, cosmetic or disinfectant is in terms of paragraph (a) of section 107 (2) of the Customs and Excise Act, 1964 (Act No. 91 of 1964), under the control of the Commissioner for Customs and Excise because he has not yet satisfied himself that the provisions of this Act relating to the importation of foodstuffs, cosmetics or disinfectants have been complied with in respect thereof, the said Commissioner may, notwithstanding the provisions of that paragraph but subject to the provisions of subsection (2) of this section, with the concurrence of the Director-General allow such foodstuff, cosmetic or disinfectant and similar articles in the same consignment to pass from his control on condition that they are removed to a place approved by the Director-General and are there detained, at the expense and risk and under the control of the importer, for examination or analysis thereof or of a sample thereof under the provisions of this Act or until the result of any such examination already commenced or carried out is known and, under the circumstances contemplated in subsection (3), until the Director-General has made an order in respect thereof.

(2) The Commissioner for Customs and Excise shall not under subsection (1) allow any foodstuffs, cosmetics or disinfectants to pass from his control unless the importer has furnished the Director-General with a guarantee, to the satisfaction of the Director-General, that he will pay to the Director-General for the benefit of the State Revenue Fund an amount determined by agreement between himself and the Director-General and specified in the guarantee, if in the opinion of the Director-General he fails to comply with any condition referred to in that subsection in relation to such foodstuffs, cosmetics or disinfectants.

(3) If as a result of the examination or analysis of any foodstuff, cosmetic or disinfectant which in terms of the Customs and Excise Act, 1964, is under the control of the Commissioner for Customs and Excise or in terms of subsection (1) of this section is detained under the control of an importer, or of a sample thereof, it appears that it is a prohibited article, the Director-General may by order in writing at his discretion direct that such foodstuff, cosmetic or disinfectant and all similar articles in the same consignment—

- (a) shall be confiscated and destroyed; or
- (b) shall be returned to the port of shipment or place of origin; or
- (c) may be imported on compliance by the importer with such conditions as may be specified by the Director-General in such order, including any condition requiring the substitution of a label approved by the Director-General for any existing label; or
- (d) shall be dealt with or disposed of in such other manner as may be specified by the Director-General in such order."

Amendment of
section 15 of
Act 54 of 1972.

4. Section 15 of the principal Act is hereby amended by the insertion after subsection (2) of the following subsection:

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"(2A) Regulations made under subsection (1) (a) may prescribe for the composition, strength, purity or quality or any other attribute of any foodstuff, cosmetic or disinfectant or any ingredient or part thereof, any standard set out in any publication which in the opinion of the Minister is generally recognized as authoritative." 5

Amendment of
section 25 of
Act 54 of 1972.

5. Section 25 of the principal Act is hereby amended by the substitution for the word "Health" of the words "Health, Welfare and Pensions".

Substitution of
"Director-
General" for
"Secretary" in
Act 54 of 1972.

6. The principal Act is hereby amended by the substitution for 10
the word "Secretary" wherever it occurs of the word "Director-
General".

Short title.

7. This Act shall be called the Foodstuffs, Cosmetics and Disinfectants Amendment Act, 1981.