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Department:
Trade, Industry and Competition
REPUBLIC OF SOUTH AFRICA

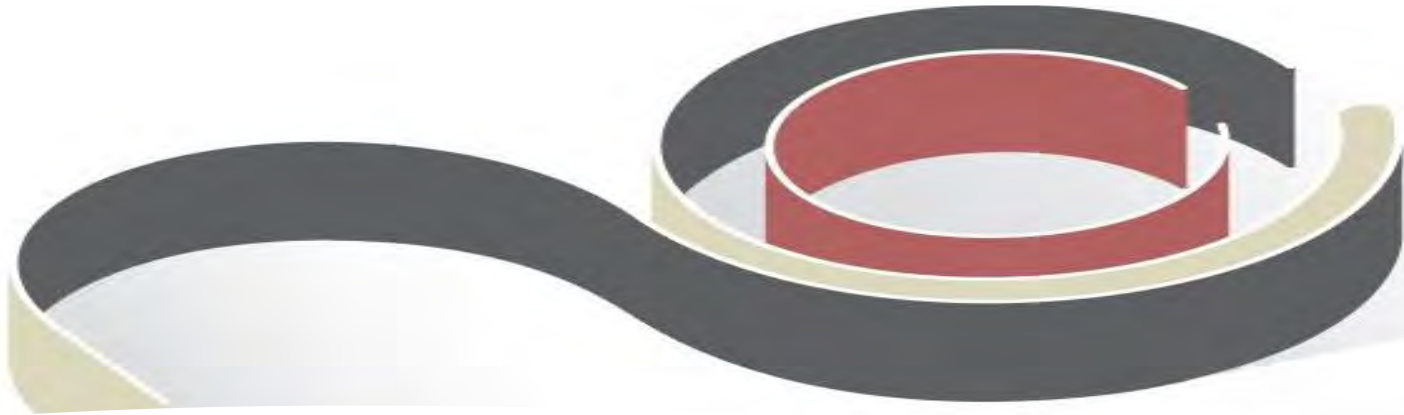


BRIEFING TO THE PARLIAMENTARY PORTFOLIO COMMITTEE ON TRADE, INDUSTRY AND COMPETITION

NATIONAL CONSUMER COMMISSION

RESPONSE TO THE NATIONAL DISASTER OF CLASSIFIED FOODBORNE ILLNESSES

29 JANUARY 2025



DELEGATION

Mr. Hardin Ratshisusu – Acting Commissioner

Ms. Thezi Mabuza – Deputy Commissioner

Mr. Joseph Selolo – Company Secretary

Mr. Lefu Nhlapo – Acting Chief Financial Officer

Ms. Poppy Kweyama – HOD Education & Awareness

Ms. Prudence Moilwa – HOD Complaints & Investigations

Mr. Jabulani Mbeje – HOD Enforcement & Legal Services

OUTLINE

1. Regulatory Context
2. Historical Background
3. Response to Current Incidents





MANDATE



LEGISLATIVE MANDATE

- ❖ The National Consumer Commission (NCC) is established by the Consumer Protection Act (CPA), 2008 (Act No. 68 of 2008).
- ❖ The purpose of the CPA is, amongst others:
 - to promote and advance the social and economic welfare of consumers in South Africa;
 - to protect consumers from unconscionable, unfair, unreasonable, unjust or otherwise improper trade practices; and
 - to promote a fair, accessible, and sustainable marketplace for consumer products and services and to establish national norms and standards relating to consumer protection.



REGULATORY CONTEXT (FOODSTUFF)

- ❖ The NCC is established in terms of Section 85 of the Consumer Protection Act (CPA) with the core mandate of enforcing the CPA.
- ❖ The NCC has concurrent jurisdiction on consumer protection matters with the provincial consumer affairs offices.
- ❖ Enabling provisions of the CPA in relation to foodstuffs and foodborne illnesses:
 - Product recalls conducted and monitored in terms of Section 60 of the Act.
 - Initiating or receiving complaints in terms of Section 99 of the Act
 - Investigating such complaints in terms of Section 99 of the Act and
 - Referring complaints to National Consumer Tribunal in terms of Section 74 of the Act, where a contravention has been found.



HISTORICAL BACKGROUND

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EXAMPLES OF HISTORICAL INTERVENTIONS IN INCIDENCES RELATED TO FOODSTUFF AFFECTING MINORS

❖FY 2021/2

- Recall of Liqui Fruit Grape juice.
- Ceres Apple Juice and Coca-Cola Appletiser recall that led to the investigation into the conduct of Elgine.
- Recall of Similac Alimentum baby formula.
- Death of 3 minor children after allegedly, consuming a packet of two-minute noodles that led to the investigation into the conduct of Grandisync.

❖FY 2023/4

Peanut Butter, with Aflatoxins levels that exceeded the limits permitted by law. A three-pronged approach was followed:

- An investigation of the source of the aflatoxins contamination.
- Recalling the affected peanut butter brands.
- Directing suppliers to test all raw groundnuts and peanuts, all peanut / groundnut butter as well as products derived from groundnuts and peanuts.



HISTORICAL PROACTIVE PREVENTATIVE ACTIONS

- ❖ March 2023 and March 2024 World Consumer Rights Day interventions:
 - The NCC coordinated compliance inspections in North West (March 2023) and in the Free State (March 2024) under the banner of Consumer Protection Forum.
 - The objective was to monitor level of compliance with food safety and other related regulations.
 - In North West, the inspections were then followed up through formal inspections in the quarter 1 of 2023/24.
 - The inspections in the Free State were also followed up through formal investigations in quarter 1 of 2024/25
 - Compliance notices were then issued to those suppliers that violated the provisions of the CPA.

- ❖ In planning for 2024/5 FY, NCC conducted an informal Risk Assessment which identified “Food Safety” as a Priority Area, amongst others, and was included in the Annual Performance Plan (APP) for 2024/5.



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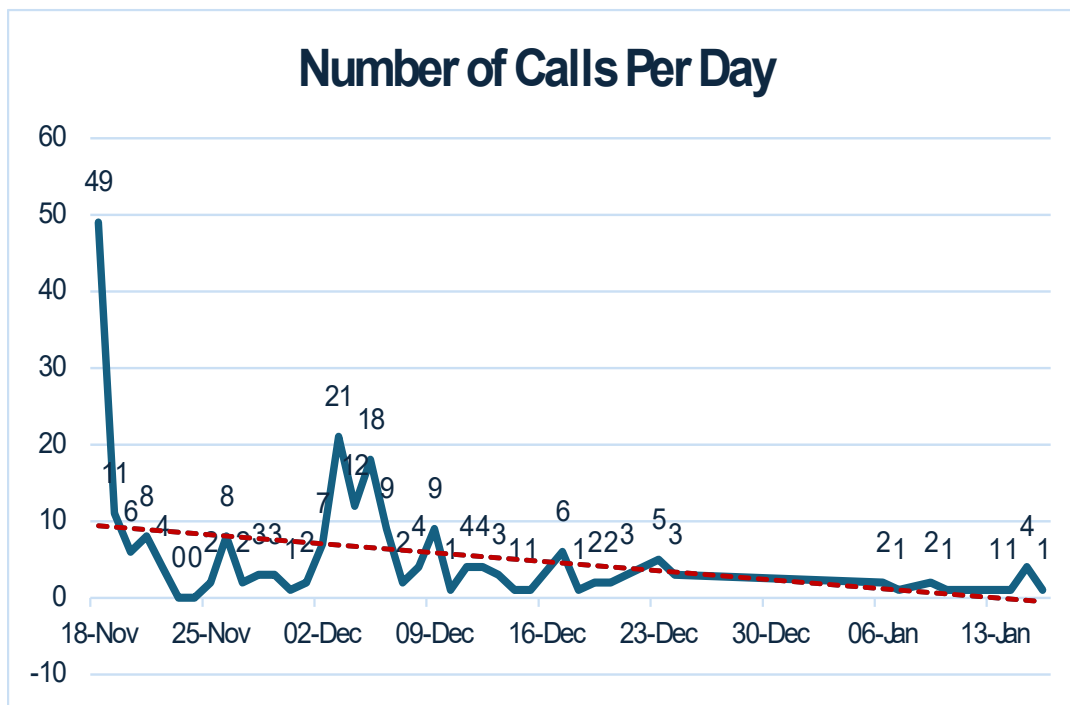
RESPONSE TO CURRENT INCIDENTS

AREAS OF NCC INTERVENTION

- ❖ The NCC participate in the activities of NATJOINTS and collaborate in planned joint activities.
- ❖ Has established and communicated the National hotline to receive tip-offs from the public.
- ❖ Educates consumers on the utilisation of the hotline to report non-compliance.
- ❖ Developed and rolled out key messages on multiple media and social platforms.
- ❖ Training businesses on food handling, safety standards and regulatory requirements.
- ❖ Conduct regulatory enforcement in different provinces.



HOTLINE STATS AS AT 16 JANUARY 2025



Totals Calls Received Per Province

	Province	Totals per Province
1.	Eastern Cape	22
2.	Free State	7
3.	Gauteng	84
4.	KwaZulu-Natal	52
5.	Limpopo	15
6.	Mpumalanga	13
7.	North-West	12
8.	Northern Cape	4
9.	Western Cape	21
	Total	230



HOTLINE STATISTICS AS OF 14 JANUARY 2025

- ❖ Working hours for the Call Centre are from 08h30-19h00 weekdays and 08h30-12h30 weekends and public holidays. The Hotline number (012 065 1940) has been zero rated as of 29 November 2024 by mobile network operators.
- ❖ There was a good uptake during the 1st week of 18 November to 21 November, the calls declined during the 2nd week from 25 November to 2 December 2024.
- ❖ The calls started increasing again from 2 December to 7 December after the announcement in media that the Hotline number is zero-rated and then another lull as of 10 December.
- ❖ A dedicated e-mail address: foodsafety@thencc.org.za was setup as a back-up during the festive season, and will be retained until the end of the campaign.



HOTLINE STATISTICS AS OF 14 JANUARY 2025 (2)

- ❖ There were fewer calls received during weekends compared to normal working days. The average number of calls received per day in November was 8 (104 in 13 days) and in December was ± 5 (113 in 24 days).
- ❖ No calls were received from 25 December 2024 to 05 January 2025. This decline could be attributed to the festive season holidays where consumers could have focused on other things than the Foodborne Illness campaign.
- ❖ The highest number of calls were received from Gauteng (84), followed by KZN (52) and the least being Northern Cape (4).
- ❖ The majority of reported cases relates to the selling of expired goods, followed by the sale of illicit liquor.



COMPLIANCE INSPECTIONS

- ❖ Compliance inspections of food and foodstuffs were conducted in Limpopo, Gauteng, Western Cape, Northern Cape, Eastern Cape and KwaZulu-Natal.
- ❖ Non-compliance with the provisions of the CPA are:
 - Foodstuff that passed the date markings (Sell-by Or Use-by.
 - Suppliers not issuing proof of purchase (receipts).
 - Goods not labelled in accordance with the CPA (labelled in foreign languages, with unclear or no information on ingredients).
- ❖ Non-compliant goods include baby food and formulas, cool drinks and juices, snacks (including sweets and biscuits) and other Consumables.

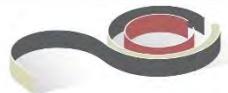


TARGETED COMPLIANCE INSPECTIONS IN KZN

Date	Areas visited
18-22 Nov 2024-	<ul style="list-style-type: none">To Date Zululand (Ulundi) Umhlathuze (Richards Bay), Umsunduzi (PMB), Ray Nkonyeni (Port Shepstone) eThekwini (Phoenix, Verulam)
2-6 Dec 2024-	<ul style="list-style-type: none">Ulundi, Richards Bay, PMB, Port Shepstone, eThekwini (Phoenix, Verulam, Umgeni, Pinetown)

Inspection Outcomes

- ❖ The NCC's intervention led to the Warehouse in Verulam recalling the biscuits total value of returned biscuits and snacks is R534 457.06.
- ❖ In addition, the Returned Biscuits and Snacks were destroyed at the expense of the supplier i.e. A2Z (Pty) Ltd The compliance inspections in KZN led to formal investigations into warehouses that supplied biscuit remnants fingered in the Foodborne Illness cases.



TARGETED COMPLIANCE INSPECTIONS GAUTENG

Date	Areas visited
• 2-8 Sept 2024	• Tembisa • Naledi
• 30-31 July 2024	• Pretoria West • Atteridgeville • Midrand
• 14 October 2024	• Naledi
• 22 October 2024	• Bronkhorspruit

Inspections Outcomes

- ❖ Non-compliant goods were destroyed due to the state of the foodstuffs. The destruction was led by the EHPs and the Police .



TARGETED COMPLIANCE INSPECTIONS EASTERN CAPE

Date	Areas visited
• 14-18 October	• Buffalo City (Monti, Mdantsane, Qonce) • NMB / Gqeberha (Korsten)
• 9-12 Dec 2024	• Buffalo City and NMB / Gqeberha

❖ On September 27, 2024, the National Consumer Commission (NCC) initiated product safety recalls following a suspected food poisoning incident in Buffalo City, Eastern Cape. Several fatalities were reported, allegedly linked to the consumption of Vanilla Instant Porridge manufactured by Namib Mills. In response, the NCC, in collaboration with other consumer protection agencies, conducted inspections of food suppliers in East London to ensure compliance with safety standards and prevent further incidents.

Inspection Outcomes

- ❖ Various investigations into identified prohibited conduct / non-compliances are ongoing (at reporting stage).
- ❖ In the areas inspected, non-compliant goods uncovered include baby food, sweets, cool drinks, noodles, snacks, biscuits, juices, and other consumables. These items had the potential of causing harm and compromising the health of consumers. An equally concerning practice that the inspections uncovered include retention of goods past date markings and selling them to consumers at “discount prices.



TARGETED COMPLIANCE INSPECTIONS IN LIMPOPO

Date	Areas visited
• 04- 08 November	Capricorn, Vhembe (Malamulele, Thohoyandou, Louis Trichardt) ,Mopani (Giyani) Polokwane, Seshego, Mankweng, Lebowakgomo

- ❖ NCC carried out 2 operations in Limpopo, 1 was planned and the other was in direct response to reported Food Safety / Poisoning incidents involving school children in Malamulele, Thohoyandou, Makhado and Mopani.

Inspections outcomes

- ❖ Following the inspections, the Commission approved 48 investigations against non-compliant suppliers in Limpopo.
- ❖ These are now at the reporting stage, and they relate to suppliers such as warehouses, supermarkets and smaller outlets including tuck-shops.
- ❖ The unique feature of these inspections was that suppliers in villages were inspected.



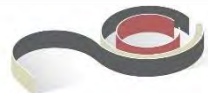
TARGETED COMPLIANCE INSPECTIONS WESTERN CAPE

Date	Areas visited
• 2-8 Sept 2024	•Milnerton, Cape Town CBD, Mitchells Plain, Durbanville/ Kraaifontein, Ottery

- ❖The NCC conducted week-long inspections / market monitoring of at least 38 in the Western Cape. Follow ups were done on 21-24 October 2024

Outcomes of the Inspections

- ❖Investigations were approved and various suppliers have since corrected their non-compliance.
- ❖13 Compliance Notices were issued to suppliers who were found to be non-compliant with the CPA.



TARGETED COMPLIANCE INSPECTIONS NORTHERN CAPE

Date	Areas visited
• August 2024	• Hartswater, Jan Kempdorp, Warrenton, Barkly West, and Kimberly.

The NCC inspected suppliers of Fast-Moving Consumer Goods in the Northern Cape:

- ❖ These were carried out in conjunction with various stakeholders including SAPS, EHPs and the Provincial Consumer Protector Office.
- ❖ Consistent non-compliance was observed and in some cases threats to Inspectors were made, to deflect from the brazen supply of expired foodstuffs.

Inspection outcomes

- ❖ Investigations into non-compliant suppliers were approved following the inspections, and the outcomes are still outstanding.
- ❖ Inspectors are finalising the reports on the findings.



KEY INVESTIGATIONS: NAMIB MILLS AND SPAR GROUP

- ❖ The NCC initiated the investigation to assess if NAMIB MILLS had contravened the Consumer Protection Act in the supply of the Vanilla Instant Porridge that was named in the Buffalo City incident wherein the children died after allegedly consuming the porridge.
- ❖ This investigation was initiated to ensure that the risks in the supply of the potentially harmful product that was the subject of the precautionary recall were mitigated, hence its decision to withhold its agreement to the closure of the recall until the investigation was concluded.
- ❖ The reports from other stakeholders, including experts, assisted in the review of the test results and supporting evidence. They all supported the view that the goods are safe to be released onto the market.



House of Natural Butters and Luvia Nutrition

- ❖ Investigation into the House of Natural Butters and Luvia Nutrition investigation has its origin in a Product Safety Recall that the NCC coordinated.
- ❖ The NCC has made adverse findings against both the House of Natural Butters and Luvia Nutrition following intense engagements with them, review of processes in their entire value chains, reviewing Lab Test Results and inspecting the manufacturing plant.
- ❖ The investigations have culminated in a draft Settlement / Consent Agreement negotiations which are now at an advanced stage.



WOOLWORTHS AND OCEANA GROUP

- ❖ The investigation stems from a police operation that took place in Daleside on 11 November 2024.
- ❖ The Commission authorised an investigation into Woolworths and/or Oceana's disposal arrangements for the rejected portion of the consignment(s) as well as compliance with Consumer Protection Act.
- ❖ Engagements with SAPS and the NRCS are ongoing and are at an advanced/sensitive stage.



SHOPRITE CHECKERS AND BM FOODS & BM FOODS MANUFACTURING

- ❖ In September 2024, Shoprite Checkers notified the NCC of a product recall of the Hummus Range (Deli Hummus 300g and 125g) manufactured by its supplier, BM Foods, following a detection of *Listeria Monocytogenes* which is a species of foodborne bacteria.
- ❖ The NCC initiated an investigation into various aspects of the conduct of both Shoprite Checkers and BM Food Manufacturing, especially given that the main consumers of the affected product are allegedly pregnant mothers and infants.
- ❖ The investigation has been finalised and inspectors are finalising the report.



EDUCATION AND AWARENESS CAMPAIGNS

- ❖ In response to the Food-borne Illnesses Disaster that has befallen the county:
 - Thirteen **business** education and awareness campaigns were held with SMMEs at Free State, Gauteng, Eastern Cape, North-West, and Kwa-Zulu Natal Provinces, respectively to raise awareness about food safety.
 - 2. The workshops were aimed at raising business compliance on Section 55 (The Consumer's right to Safe Good Quality Goods) and 56(2) (Consumer's right to redress) of the Consumer Protect Act.
 - Eleven **consumer** education and awareness were held with communities in Gauteng, Mpumalanga, KwaZulu-Natal, and Limpopo Provinces to raise awareness on their right to *Safe Good Quality Goods* concerning foods.



MEDIA CAMPAIGN

- ❖ A media campaign (mainstream and social media) focusing on regulatory framework was rolled out. This included:
 - Warning consumers about the dangers of consuming expired foodstuffs.
 - Educating consumers about the importance of checking the date markings.
 - Announcing the NCC's new hotline and encouraging them (consumers) to file complaints).
 - Announcing the NCC's new operating hours in response to the President's call.
 - Communicating the outcomes of each inspection, compliance notices issued and suppliers referred to the National Consumer Tribunal.



CONCLUSION

- ❖ The NCC is collaborating with other agencies and stakeholders to ensure a coordinated response.
- ❖ The NCC is committed to protecting consumers from unsafe food and non-compliant suppliers.
- ❖ Consumer education and awareness campaigns are crucial in preventing foodborne illnesses.
- ❖ The NCC will continue to monitor the situation and take necessary action to ensure food safety in South Africa.





Thank you!

National Consumer Commission

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