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Department:
Trade, Industry and Competition
REPUBLIC OF SOUTH AFRICA

THE NATIONAL COUNCIL OF PROVINCES

QUESTION FOR WRITTEN REPLY

QUESTION NO. 534

Ms A M Siwisa (Northern Cape: EFF) to ask the Minister of Trade, Industry and Competition:

(a) What interventions have been made to address the lack of inspectors in local shops and (b) what are the relevant details in this regard? CW664E

REPLY:

The National Consumer Commission has advised me as follows:

- (a) The National Consumer Commission (NCC) derives its mandate for market monitoring (inspections) from Section 99(c)(i) of the Consumer Protection Act 68 of 2008 (the CPA). This section empowers the NCC to monitor the consumer market to ensure that prohibited conduct and offences are prevented or detected and prosecuted. As a national office, the NCC does not have inspectors permanently deployed in each province, but these are deployed as and when there are inspections.

Inspection of foodstuffs is to ensure compliance with food quality, safety and labelling requirements. The NCC augments its inspection capacity by collaborating with other organs of state at national, provincial, and local government. The NCC also shares concurrent jurisdiction with provincial consumer affairs offices in consumer protection regulation. To this end, the NCC collaborates with *inter alia* the following stakeholders:

- Environmental Health Practitioners (Local Government)
- Municipalities (Local Government)
- Provincial Consumer Affairs offices (Provincial Government)
- Provincial departments for Economic Development (Provincial Government)
- Department of Health (National Government)
- Department of Agriculture, Land Reform and Rural Development (National Government)
- Department of Home Affairs (National Government)
- Border Management Agency (National Government)

- South African Revenue Services (National Government)
- South African Police Services (National Government)
- Department of Labour and Employment (National Government)

Each stakeholder participating in these enforcement activities enforces its respective legal prescripts (legislation, compulsory specifications/standards, by-laws and any other relevant area of enforcement).

- (b) Since the beginning of the 2024/25 financial year, the NCC prioritised food safety as a proactive step before the recent escalation of the incidents of food contamination. This followed initial inspections carried out in the Free State in quarter 4 of the 2023/24 financial year. In the past, the NCC did not take these kinds of measures in relation to food safety at the scale of inspections that have been done since the beginning of the 2024/25 financial year. The NCC has thus far conducted inspections in Limpopo, Gauteng, Northern Cape, Western Cape and Eastern Cape provinces.

Inspections in the Limpopo Province

June 2024: The NCC joined forces with the Departments of Labour, Health and Home Affairs (Immigration Office), South African Police Services, Environmental Health Practitioners, and Waste Management under Capricorn District Municipality to inspect various retailers in Seshego, Mankweng, Turfloop, Lebowakgomo and Polokwane.

There will be further inspections in Limpopo during the week of 05 November 2024 in the Vhembe District Municipality and surrounding areas, due to high reported incidents of food contamination.

Inspections in the Northern Cape Province

August 2024: The NCC inspected suppliers of Fast-Moving Consumer Goods (FMCG) in the Northern Cape. In the Northern Cape, the NCC collaborated with officials from the Northern Cape Consumer Affairs Office, Environmental Health Practitioners from the Municipal Health Services, the Department of Home Affairs, South African Police Services as well as the Community Policing Forum. These inspections covered inspected suppliers of FMCG in Hartswater, Jan Kempdorp, Warrenton, Barkly West, and Kimberly.

Inspections in the Gauteng Province

August 2024: In Gauteng province, the NCC inspected supplier and retailers in Pretoria West, Atteridgeville, and Midrand.

October 2024: During the week of 14 October 2024, the NCC conducted inspections in Naledi, Soweto in Gauteng in collaboration with the City of Johannesburg Municipality, following the death of children in the area after allegedly consuming contaminated food. Further inspections were conducted under the

National Joint Operational and Intelligence Structure (NATJOINTS), led by the Department of Health. The inspectors of the NCC were part of the NATJOINTS operations.

October 2024: The NCC joined the Environmental Health Practitioners (EHPs), the Gauteng office of consumer protection and the SAPS for inspections in Bronkhorstspuit to conduct inspections following concerns of food contamination in the area.

October 2024: The NCC joined a further inspection operation in Pretoria West.

Inspections in the Western Cape Province

September 2024: The NCC conducted weeklong inspections of at least 38 FMCG suppliers in the Western Cape from 2-8 September 2024, focusing on the Cape Town Metro. The NCC was joined by officials from the Western Cape Health Department, EHPs from the City of Cape Town, and the National Regulator for Compulsory Specifications. The multi-agency team jointly inspected suppliers in Ottery, Mitchell's Plain, Durbanville / Kraaifontein, Cape Town CBD, and Milnerton.

Eastern Cape Province inspections

October 2024: Following the food poisoning incident in the Eastern Cape, Buffalo City Municipality that occurred on 27 September 2024, wherein it was alleged children had consumed the vanilla instant porridge, leading to deaths, the NCC conducted investigations. In addition, the suppliers immediately recalled the product. The NCC subsequently inspected suppliers of foodstuffs in East London, working with other regulators in the consumer protection space. The inspections in the Eastern Cape were in collaboration with the SAPS, Buffalo City Metro, the National Departments of Home Affairs, Forestry, Fisheries and the Environment, Labour and Employment, the Provincial Department of Economic Development, Environmental Affairs and Tourism (DEDEAT), the Border Management Agency, the South African Revenue Services, the South African Health Products Regulatory Authority, as well as advocacy groups.

Preliminary findings from inspections

The NCC discovered non-compliance with the provisions of the CPA, and illegal practices by most of the inspected suppliers, namely, sale of goods with markings past sell-by or use date, suppliers not issuing proof of purchase (receipts), and goods not labelled in accordance with the CPA (labelled in foreign languages, with unclear or no information on ingredients).

In the areas inspected, non-compliant goods uncovered included 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. There is an equally concerning practice that the inspections uncovered,

which is the retention of the goods past date markings and continuing to sell them to consumers at “discount prices”.

The NCC has to date issued compliance notices to thirty-three (33) non-compliant suppliers in the Free State. The compliance notices are a very important tool in that they remain in force and have to be complied with.

There are twenty-two (22) ongoing investigations out of inspections in Limpopo and twenty-three (23) similar investigations out of inspections in the Western Cape. These investigations may lead to the issuing of compliance notices, prosecutions or product recalls.

The NCC has approved formal investigations in instances of food safety concerns on product recalls linked to the incidents. The NCC has also assigned senior investigators to carry out these investigations in collaboration with the SAPS.

The NCC will use powers provided for in the CPA to ensure that suppliers found in contravention of the CPA are held accountable. In this regard, there is also express focus on investigations to identify actual products that may be linked to the deaths of children in the affected provinces.

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