

Plant-based meat products saved from seizure...for now

South Africa's plant-based food sector is celebrating a temporary victory after urgent legal efforts on behalf of the industry at the Johannesburg High Court on Saturday, 20 August proved successful in halting product seizures.



Source: Beyond Meat

The legal efforts aimed to prevent the country's Food Safety Agency (FSA) from actioning the seizure of thousands of plant-based meat alternatives from retailers across the country for using product terms such as "burger", "nugget", and "sausage".

In a notice issued last week, the agency said it would "seize any meat analogue products presented for sale in the Republic of South Africa which are using the product names prescribed for processed meat products in terms of section 8 of the Agricultural Product Standards Act 119 of 1990 (the Act) at all points of sale, i.e., facilities, premises (retail and wholesale), conveyances, etc." The product seizures were scheduled to take place from today, 22 August.

In good news for the plant-based food producers, the Johannesburg High Court ruling now prohibits the Department of Agriculture, Land Reform and Rural Development (DALRRD) and its designated assignee, FSA, from seizing any plant-based meat alternatives they deemed to be in breach of Regulation 1283 of the Agricultural Product Standards Act 199 of 1990, "the APS Act".

The action on behalf of the plant-based food industry is supported by local food awareness organisation ProVeg South Africa, the local branch of ProVeg International, and several of its stakeholders in the plant-based food sector.

ProVeg has also been in discussion with its legal support at Lawtons Attorneys, who have also offered assistance to the movement.

"Although we welcome the decision by the court, we would like to reiterate our call for further dialogue as we still believe



Meagan Ruthman, candidate attorney, and Prudence Moselakgomo, administrator, both at Lawtons Africa, with ProVeg South Africa corporate engagement and V-label coordinator, Anusha Lakha (middle). Source: ProVeg SA

that this matter should be settled through discussion between the plant-based food industry, DALRRD and the meat industry,” said Donovan Will, ProVeg South Africa country director.

This matter follows a [June directive](#) from DALRRD to processors, importers and retailers of plant-based meat alternatives giving them only 30 business days to remove their products from shelves for relabelling or face seizures.

According to the regulation, the FSA is the designated assignee in charge of product seizures in terms of Section 8 (“Seizures”) of the APS Act.

Numerous businesses in the plant-based sector sought industry-wide discussions with DALRRD and the FSA to halt seizures and develop new and appropriate legislation for plant-based meat alternatives. However, according to ProVeg SA, these industry-wide discussions have not been possible and “all diplomatic efforts by the plant-based food industry have not led to amenable results”.



SA's heavy-handed response to plant-based food labels: 'meat-like' terms not allowed

24 Jun 2022



Unpacking the regulations

The Agricultural Product Standards Act encompass the classification, packing and marking of processed meat products intended for sale in South Africa and were promulgated in 2019. However, when these regulations were promulgated, it was decided then that plant-based meat alternatives (also referred to as meat analogues or meat analogue products) were to be excluded and would be dealt with differently than processed meats.

ProVeg points out that Section 2(2)(c) of the regulation specifically states that “[t]hese regulations shall not apply to . . . (c) Meat analogue products or non-meat based products that in general appearance, presentation and intended use correspond to processed meat products (e.g. vegan or vegetarian type processed products).”

Therefore, plant-based meat alternatives are not currently covered by legislation and are also excluded from the scope of the processed meat regulations, ProVeg SA stated.

In April this year, things seemed to be heading in the right direction when DALRRD issued a directive indicating that the executive officer would commence with “the development of new regulation for meat analogue products”. This followed engagements with various stakeholders, of which 85% (the majority of the stakeholders) were in favour of new regulations being developed for meat analogue products.

“Sadly, after that last communication, no further information was shared. According to ProVeg’s knowledge, this process has not started despite the eagerness of businesses and organisations in the plant-based meat alternative sector to formulate new and appropriate regulations,” the food awareness organisation said.

It added, “It has therefore been both frustrating and concerning that DALRRD has chosen to direct the FSA to continue with the proposed seizure of products, clearly not included in Regulation 1283, instead of developing the necessary new

regulations for meat analogue products.

This after they acknowledged that the Regulations do not encompass plant-based meat alternatives, that the new regulations are necessary for such products, and without indicating which food-related terms would be suitable to use or not. DALRRD's lack of engagement with stakeholders, who will be devastated by this decision, is also increasingly concerning."



SA food tech startup Mogale Meat debuts cultivated chicken breast

12 Apr 2022



Impact on the industry, stakeholders and consumers

The directive, if implemented, will have devastating impacts on the plant-based industry and its consumers. According to ProVeg SA, the impact will extend to:

Economic - labels which are currently in the market and/or already paid for production processes, will have to change and the costs involved in that change will impact suppliers and ultimately consumers, who are already struggling under the weight of the impact of Covid-19, rising fuel costs, food price hikes, load shedding and unemployment.

Job losses – various companies may have to reduce their workforce to cope with the abrupt and unforeseen costs of having to change labels.

Reputation – the decision to seize products using names such as “plant-based bratwurst”, “mushroom biltong” and “vegan nuggets” may result in consumers and the public losing trust in the quality of meat analogues due to unexplained label changes.

Customer confusion – if manufacturers are prohibited from using food-related terms commonly used and understood by consumers to market their products, consumers may be left confused and frustrated. "Many consumers are specifically looking for products that mimic animal products because they grew up eating them and still enjoy the taste. If a consumer is looking for a vegetarian burger that mimics a beef burger it will be very confusing if the product cannot indicate that it is beef-style and cannot use the word burger," proVeg said.

"ProVeg South Africa has and will continue to opt for non-legal routes to ensure that new and appropriate regulations are developed for plant-based meat alternatives that are approved and carry the interests of the plant-based food industry, DALRRD and the meat and processed meat industries. We urge the government to fast-track the development of new regulations without any punitive measures on the plant-based sector in the interim," the organisation said.

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