

Failure to disclose ingredients is breach of CPA

Failure to disclose the ingredients contained in food products constitutes the breaching of the Consumer Protection Act (CPA), the National Consumer Commission (NCC) said on Friday, 1 March 2013.

The commission is studying a report which claims that undeclared meat was found in some South African meat products.

"Consumers have every right to be informed of the ingredients contained in food products so that they may make informed choices. Failure to do so by any party in the supply chain would constitute a breach of the CPA," said acting Commissioner of the NCC Ebrahim Mohamed in an interview on SAfm.

Research conducted by a study group at the University of Stellenbosch with regard to the content of various meat products in South Africa found the presence of donkey, water buffalo, goat and other undisclosed meat products in certain processed foods available to consumers at retail stores.

In a statement on Wednesday, Trade and Industry Minister Rob Davies asked the NCC to urgently investigate the matter of meat labelling after it emerged that undeclared products were found in meat.

Mohamed said it was imperative that whatever that is put out for human consumption must comply with the labelling and disclosure required as contained in the CPA.

"I would need to read the report by the Stellenbosch group. We may need to check for ourselves whether that is sufficient in terms of what is required for the investigation. We may have to have some tests conducted ourselves to satisfy ourselves," he said in the radio interview.

If indeed there has been a breach, the commission can adopt an approach that gives a compliance element where it gives companies limited time to comply with the necessary sections of the act.

"Failure to that could result in the issuing of a compliance notice to compel anyone in the supply chain to comply with the law. If there is non-compliance with the order, the commission can refer the matter to the Consumer Tribunal for a penalty," explained the acting commissioner.

The commission has a responsibility to monitor compliance with the relevant labelling requirements.

The NCC - which is an agency of the dti - is charged with the responsibility to enforce functions assigned to it in terms of the CPA which aims to establish national norms and standards relating to consumer protection as well as provide for improved standards of consumer information among others.

In terms of the CPA, each and every person or supplier within the value chain has a responsibility to ensure that when a trade description is applied to goods, they must not knowingly apply a trade description that is likely to mislead the consumer.

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