



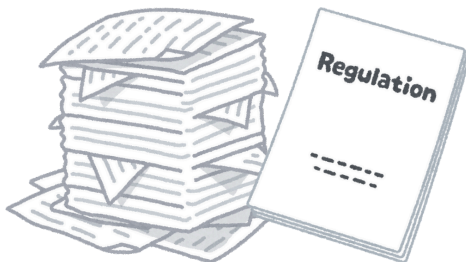
## Regulation 328 of 20 April 2007, Regulations Relating to the Powers and Duties of Inspectors and Analysts Conducting Inspections and Analyses on Foodstuffs and Food Premises

- In cases where the “best before”, “sell by” or “use by” dates have been reached or exceeded and the Inspector have evaluated the food products and found it to be unsound, unwholesome or contaminated, he or she may seize such products.
- Where an Inspector suspects that the safety of a foodstuffs may be compromised, he or she may also detain such foodstuffs, take a sample of such foodstuffs and have it analysed to determine the safety thereof. If found to be unsafe, the Inspector may seize and destroy such foodstuffs.
- These are all directed by legal prescripts in terms of Regulation 328 of 20 April 2007, Regulations Relating to the Powers and Duties of Inspectors and Analysts Conducting Inspections and Analyses on Foodstuffs and Food Premises made in terms of the Foodstuffs, Cosmetics and Disinfectants Act, 1972 (Act 54 of 1972).



### Source of Reference

- Foodstuffs, Cosmetics and Disinfectants Act, 1972 (Act 54 of 1972).
- Regulations governing the Labelling and Advertising of Foodstuffs: GNR 146 of 1 March 2010.
- Regulation 638 of 22 June 2018, Regulations Governing General Hygiene Requirements for Food Premises, the Transport of Food and Related Matters as promulgated under the Foodstuffs, Cosmetics and Disinfectants Act, 1972 (Act 54 of 1972).
- Regulation 328 of 20 April 2007, Regulations Relating to the Powers and Duties of Inspectors and Analysts Conducting Inspections and Analyses on Foodstuffs and Food Premises made in terms of the Foodstuffs, Cosmetics and Disinfectants Act, 1972 (Act 54 of 1972).



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## MUNICIPAL HEALTH & AIR QUALITY SERVICES

DATE MARKING ON  
FOODSTUFFS

## DATE MARKING - WHAT DOES THE LEGISLATION SAY

The Minister of Health has, under section 15 (1) of the Foodstuffs, Cosmetics and Disinfectants Act, 1972 (Act 54 of 1972), made the regulations set out in the Schedule hereto.

REGULATIONS RELATING TO THE LABELLING AND ADVERTISING OF FOODSTUFFS: GNR 146 OF 1 MARCH 2010

No person shall import, manufacture, sell, distribute or donate a foodstuff unless a date marking is clearly indicated on the label or container of such foodstuff, except those foodstuffs indicated in Annexure 4 of the regulations.

The date shall be preceded by appropriate words "best before" and/or "use by", and/or "sell by", depending on the nature of the product.



### Purpose of date marking

Food products have "best before", "sell by" or "use by" dates. These dates are an indication of quality in terms of nutritional value, taste, texture and colour. Date markings on foodstuffs like "production date", "best before", and "sell by" is compulsory to display on the label in letters of at least 1mm in height.

The order of the date must be day/month/year. Dates may not be changed afterwards.



### Definition: Best before date

The "best before" date means the date which signifies the end of the period under any storage conditions during which the unopened product remains fully marketable and will retain any specific qualities for which implied or express claims have been made. However, beyond this date the food may still be acceptable for consumption.



### Definition: Sell by date



The "sell by" date means the last date of offer for sale to the consumer after which there remains a reasonable storage period at home. This date also refers to a product's shelf life instore - the recommended time in which it should be sold to retain marketed quality.

### Definition: Use by date

The "use by" / expiry date means the date which signifies the end of the estimated period under the stated storage conditions after which the product probably will not have the quality attributes normally expected by the consumers and after which date the food should not be regarded as marketable. After this date, the food will perish and will no longer retain the marketed quality.



## Inspectors in terms of the Foodstuffs, Cosmetics and Disinfectants Act, 1972 (Act 54 of 1972)



10 (3) The powers, duties and functions of an inspector in terms of this Act may be exercised or performed -

- (a) by an officer of the Department of Customs;
- (b) by any person employed by such local authority as a health inspector and authorized thereto in writing by such local authority;
- (c) by any member of the South African Police of or above the rank of sergeant;
- (d) by any member of the South African Police below the rank of sergeant authorized thereto in writing by a member referred to in paragraph (c).

