Presentation to the Joint Portfolio Committee on Agriculture, Forestry & Fisheries and Portfolio Committee on Health
Update and Responses on the Listeriosis Outbreak

28 March 2018
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Chief Director: International Trade and Economic Development (ITED): the dti

Mr. Ebrahim Mohamed  
Commissioner: National Consumer Commission (NCC)

Mr. Edward Mamadise  
CEO: National Regulator for Compulsory Specifications (NRCS)
Responses:
- the dti: CCRD
- the dti: ITED
- The NCC
- The NRCS

Slides:
- 4-10
- 11-16
- 17-31
- 32-46
To brief the Portfolio Committees on Agriculture, Forestry and Fisheries, Trade and Industry and Health on the outbreak of Listeriosis in the country, the role of the dti in food safety and inspections, the regulatory frameworks on food safety, alignment with other government Departments and the responses to the Listeriosis outbreak.
In November 2017, the Minister of Health announced that South Africa is experiencing a Listeriosis outbreak caused by a bacterium called Listeria monocytogenes.

The Department Health (DOH) is the lead Department regarding this outbreak.

On 04 December 2017, a Task Team was formed comprising of the Department of Trade and Industry (the dti), Department of Health (DoH), Department of Agriculture and Forestry (DAFF), National Institute for Communicable Diseases (NICD) and National Consumer Commission (NCC). The task team agreed that investigation should be conducted to determine the source of Listeriosis.
• **the dti** is the custodian of the Consumer Protection Act, 2008 (68 of 2008) (the CPA) and its role in relation to food safety is defined by the CPA.

• The preamble of the CPA emphasises the protection of consumers from hazards to their well being and safety as well as to develop effective means of redress for consumers.
• The Minister of Health held a meeting on 4 March 2018 with the Task Team to discuss the latest results from investigations and tests conducted.

• The Minister of Health announced that the source of Listeriosis ST6 strain has been found in three products from Tiger Brands and that a different strain was found from one product from Rainbow Chicken.

• The NCC called both Tiger Brands and Rainbow Chicken to inform them about the product recall in relation to the contaminated product and notices were sent to them.
On 15 March 2018, all Task Team members were invited by the Minister of Health to attend the extraordinary SADC Health Ministers strategic meeting on Listeriosis preparedness and response held in Kempton Park, South Africa.

The following countries were represented:

- Malawi, Zambia, Lesotho, Zimbabwe, Lesotho, Swaziland, Democratic Republic of Congo, Mauritius, Mozambique, Botswana, Tanzania.
The meeting deliberated on the implications of the recent outbreak of Listeriosis in the SADC Region and came up with a common position in terms of:-

- Harmonised procedures of prevention, detection and response to Listeriosis in the SADC Region.
- Cross Border collaboration with respect to Listeriosis in import of processed food.
- Establish mechanisms for inter-sectoral and multi-sectoral coordination.
- Facilitate experience sharing and information exchange between member States.
- Public education on Listeriosis.
- Enhance enforcement and compliance within food safety environment.
Alignment of government Departments

• Investigations are on-going to uncover other forms of Listeriosis cases, e.g. ST6 strain was found in Tiger Brands-Clayville, Olifantsfontein, Pretoria.

• There are possible class actions that may follow due to the outbreak against the responsible companies.

• the dti and other Departments/agencies will embark on education and awareness campaigns in the next financial year to enhance consumer awareness.
Trade impact of Listeriosis
The World Trade Organisation (WTO) Sanitary & Phytosanitary (SPS) Agreement, countries would be entitled to stop SA exports in order to protect human, animal and plant life or health.

The measures must be notified by the importing countries to the WTO SPS Committee, "promptly”.

Processed meat falls in Chapter 16 of the HS system: Preparations of meat, of fish or of crustaceans, molluscs or other aquatic invertebrates.

The sub-headings 1601 and 1602 are the subject of this analysis- top 12 destinations analysed.

- 1601: Sausages and similar products, of meat, offal or blood; food preparations based on these products.
- 1602: Prepared or preserved meat, offal or blood (excluding sausages and similar products, and meat extracts and juices).
1601: Sausages and similar products, of meat, offal or blood; food preparations based on these products

<table>
<thead>
<tr>
<th>Destination</th>
<th>Value (average over 2016 – 2017; US$’000)</th>
</tr>
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<tbody>
<tr>
<td>Total exports to World</td>
<td>18062</td>
</tr>
<tr>
<td>Lesotho</td>
<td>8 580</td>
</tr>
<tr>
<td>Mozambique*</td>
<td>4 086</td>
</tr>
<tr>
<td>Namibia*</td>
<td>2 989</td>
</tr>
<tr>
<td>Swaziland</td>
<td>472</td>
</tr>
<tr>
<td>Botswana*</td>
<td>418</td>
</tr>
<tr>
<td>Zambia*</td>
<td>316</td>
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<tr>
<td>Angola</td>
<td>140</td>
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<tr>
<td>Seychelles*</td>
<td>383</td>
</tr>
<tr>
<td>Nigeria</td>
<td>126</td>
</tr>
<tr>
<td>Malawi*</td>
<td>78</td>
</tr>
<tr>
<td>Democratic Republic of the Congo</td>
<td>87</td>
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<tr>
<td>Zimbabwe*</td>
<td>56</td>
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<tr>
<td>Saint Helena</td>
<td>50</td>
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<tr>
<td>Ghana</td>
<td>39</td>
</tr>
<tr>
<td>Sierra Leone</td>
<td>38</td>
</tr>
<tr>
<td>Tanzania, United Republic of</td>
<td>21</td>
</tr>
<tr>
<td>Rwanda</td>
<td>50</td>
</tr>
<tr>
<td>Ship stores and bunkers</td>
<td>28</td>
</tr>
<tr>
<td>Kenya*</td>
<td>21</td>
</tr>
<tr>
<td>Mauritius</td>
<td>5</td>
</tr>
<tr>
<td>Value of exports to countries that have banned SA exports</td>
<td>8 347</td>
</tr>
<tr>
<td>Description</td>
<td>Value</td>
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<td>----------------------------------------------------------------------------</td>
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</tr>
<tr>
<td>Exports to Closed destinations as % of SA’s total global exports of 1601</td>
<td>46.2%</td>
</tr>
<tr>
<td>Value of SA’s total global exports of all products</td>
<td>81,813,506</td>
</tr>
<tr>
<td>Exports of affected products to closed destinations as % of SA’s total global exports</td>
<td>0.01%</td>
</tr>
</tbody>
</table>

Data source: ITC TradeMap
*: countries known to have banned SA exports
1602: Prepared or preserved meat, offal or blood (excluding sausages and similar products, and meat extracts and juices)

<table>
<thead>
<tr>
<th>Destination</th>
<th>Value (average over 2016 – 2017; US$’000)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total exports to World</td>
<td>45 352</td>
</tr>
<tr>
<td>Namibia*</td>
<td>10 533</td>
</tr>
<tr>
<td>Lesotho</td>
<td>5 018</td>
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<tr>
<td>United Arab Emirates</td>
<td>6 641</td>
</tr>
<tr>
<td>Swaziland</td>
<td>3 706</td>
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<tr>
<td>Botswana*</td>
<td>2 456</td>
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<tr>
<td>Germany</td>
<td>1 679</td>
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<tr>
<td>United Kingdom</td>
<td>2 355</td>
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<tr>
<td>Area Nes</td>
<td>1 533</td>
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<tr>
<td>Mozambique*</td>
<td>2 658</td>
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<tr>
<td>Angola</td>
<td>1 264</td>
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<tr>
<td>Belgium</td>
<td>1 112</td>
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<td>France</td>
<td>1 369</td>
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<td>Qatar</td>
<td>1 102</td>
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<td>Malawi*</td>
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<td>Zambia*</td>
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<tr>
<td>Mauritius</td>
<td>449</td>
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<tr>
<td>Zimbabwe*</td>
<td>591</td>
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<tr>
<td>Netherlands</td>
<td>208</td>
</tr>
<tr>
<td>Hong Kong, China</td>
<td>395</td>
</tr>
<tr>
<td>Democratic Republic of the Congo</td>
<td>200</td>
</tr>
<tr>
<td>Value of exports to countries that have banned SA exports</td>
<td>17 324</td>
</tr>
</tbody>
</table>
**Trade statistics**

<table>
<thead>
<tr>
<th>Description</th>
<th>Value</th>
</tr>
</thead>
<tbody>
<tr>
<td>Exports to Closed destinations as % of SA’s total global exports of 1602</td>
<td>38.2%</td>
</tr>
<tr>
<td>Value of SA’s total global exports of all products</td>
<td>81,813,506</td>
</tr>
<tr>
<td>Exports of affected products to closed destinations as % of SA’s total global exports</td>
<td>0.02%</td>
</tr>
</tbody>
</table>

Data source: ITC TradeMap

*: countries known to have banned SA exports
The role of the NCC in food safety and inspections

- Consumer Protection Act 68 of 2008 (CPA-the Act) is the fundamental legislation that deals with consumer protection in South Africa.

- The National Consumer Commission (the Commission) was established in terms of section 85 of the CPA as the primary body that enforces the rights of consumers in South Africa.

- The Act is the overarching piece of legislation that deals with consumer protection in all industries except those that are exempted by the Minister of Trade and Industry on the basis that similar protection or better protection is provided for through other legislation.
The role of the NCC in food safety and inspections

Section 2(9) of the CPA states that:

If there is an inconsistency between any provision of this Act and the provision of any other Act

(a) The provision of both Acts apply concurrently

(b) To the extent that paragraph (a) cannot apply, the provisions that extends greater protection to consumers prevails over the alternative provisions.
The role of the NCC in food safety and inspections

The Consumer Protection Act 68 of 2008 (the Act) outlines the role of the NCC, amongst others as to:

- Investigate allegations of prohibited conduct;
- Facilitate resolution of complaints;
- Monitor market conduct to ensure compliance with the CPA (inspection);
- Conduct product recalls of unsafe products from the markets;
- Issue compliance notices to suppliers who are contravening provisions of the Act; and
- Refer matters to the National Consumer Tribunal.
The role of the NCC in food safety and inspections

- **Section 55** of the CPA on consumers rights to safe good quality goods states that consumers have a right to receive goods that comply with applicable standards as set out in any public regulation.

- **Section 60** of the Act provides for safety monitoring and recalls- It states that the Commission must promote an effective system to receive notices for recalls from the markets. When the Commission receives the notices they must analyse the information contained therein, in order to detect or identify potential risks to the public from the use of or exposure to those goods. If the goods are unsafe, the Commission must recall those goods for repair replacement or refund.
The role of the NCC in food safety and inspections

- The Commission issued recall notifications to both Tiger Brands and Rainbow Chicken in terms of section (60)(2) which states that:

“if the Commission has reasonable grounds to believe that any goods may be unsafe, or that there is potential risk to the public from the continues use of or exposure to the goods, and the producer or importer of those goods has not taken any steps required by an applicable code contemplated in subsection one(1), the Commission, by written notice, may require that producer to;

(a) Conduct an investigation contemplated in subsection (1);

Or

(b) Carry out a recall programme on any terms required by the Commission.
Response to Listeriosis outbreak

- The Commission (together with the NRCS) represents the dti in a national Task Team that has been meeting weekly since the outbreak, other Departments that are represented are; Department of Health (including the NICD), and the Department of Agriculture.

- The purpose of the Task Team is to share information and develop strategies to deal with the outbreak. The main role of the Commission in the Task Team has been to ensure that consumer protection is also factored in the measures taken.

- Food-stuffs are defined as goods in terms of the Consumer Protection Act.
Response to Listeriosis outbreak

- Following confirmation of specific products having tested positive for the Listeriosis strains by the NICD.

- The Commission initiated a product recall for the products identified by the NICD supplied by two entities namely: **Tiger Brands** and **RCL Foods**.
  
  - The recall notifications were issued on Sunday 4\textsuperscript{th} of March 2018 just hours following the confirmation by the NICD. This information formed part of the media briefing by the Departments of Health, Agriculture and Trade and Industry on the very same Sunday.

  - The Commission decided to move swiftly because of the urgency of the matter.
Response to Listeriosis outbreak

The Commission required the companies to carry out a recall programme in terms of Section (60)(2)(b), which is to carry out a recall programme on terms required by the Commission.

The terms specified on both notices on an urgent basis were:

- To notify the Commission by filling in the notification attached to the guideline attached by Tuesday 06 March 2018;
- To immediately uplift and quarantine all the contaminated products from the market;
- To immediately notify all trading partners; and
- To notify all competent authorities both local and international in relation to the relevant mandates and activities.
Response to Listeriosis outbreak

- The Commission scheduled urgent meetings with both entities for Monday the 5th of March 2018 and also invited the DoH and DAFF.
- The purpose of the meeting was to ensure an understanding of the actions that were required to ensure recalls.
- As well as to agree on the timelines for submission of required information.
The products identified for recall in the notification issued were:

- Enterprise polony;
- Enterprise smoked russians; and
- Enterprise frankfurters.

- It was agreed at the meeting that the recall will include all ready to eat meat products produced by Enterprise foods.
- A complete list of the products has been received by the NCC.
Tiger Brands provided the NCC with a recall notification as well as draft copies of all related strategies, i.e. recall strategy, communication strategy and disposal plan on Tuesday 6 March 2018.

Tiger brands provided the NCC with a list of products that are affected by the recall.

Tiger Brands undertook to continuously conduct testing for Listeriosis at their manufacturing plants. This activity is ongoing.

Tiger Brands provided the NCC with a list of export trading partners. This information was shared with DAFF and DOH.
Tiger Brands provides the NCC with weekly recall progress reports.

Tiger Brands provided the NCC with their helpline - 0860 33 3310- this number is provided to all consumers.

The parties agreed that over and above the weekly progress reports, Tiger Brands would provide updates to the NCC at any time when requested.

The parties agreed that Tiger Brands would directly engage with the DoH, DEA and DAFF on matters of enforcing their specific mandates.

Tiger Brands has notified the NCC of a further recall of its SNAX products which are mainly HALAAL, produced at its Pretoria plant. The NCC will be monitoring this recall as well. The information was shared with DOH in order for the Environmental Health Practitioners to inspect the plant.
Rainbow Chicken

- The product identified for recall in the notification as confirmed by the NICD was the Rainbow chicken polony.
- **RCL Foods** placed it on record that at the time of the meeting on the 5th of March 2018, no confirmation has been received to confirm the presence of the ST6 strain.
- RCL Foods provided the NCC with a completed recall notification as well as draft copies of all related strategies, i.e. recall strategy, communication strategy and disposal plan.
- The help-line number for RCL Foods is **0800 204 4675**.
- It was emphasised at the meeting with RCL that the recall was done as a precautionary step.
- It was further stated that DoH will communicate with RCL Foods on the testing outcomes.
- The parties agreed that over and above the weekly progress reports, RCL Foods would provide updates to the NCC at any time when requested.
- The parties agreed that RCL Foods would directly engage with the DoH, DEA and DAFF on matters of enforcement of their specific mandates.
The NCC has received a recall notification from Shoprite Checkers on the 20th of March 2018.

Woolworths has also notified the Commission of its recall regarding its ready to eat products.
Scope of presentation

- National Regulator for Compulsory Specification
  - Legislative and regulatory framework
  - Alignment with other departments
- The role of the NRCS in food safety and inspections
  - Compulsory specifications
  - Food safety inspections - domestic and imports
- Listeriosis outbreak
  - Listeriosis and NRCS regulated products
  - NRCS response to Listeriosis outbreak
- VC development for processed meat
The NRCS is mainly responsible for the administration of the National Regulator for Compulsory Specifications Act, 2008 (Act No. 5 of 2008) – Regulated products for Food and Associated Industries are canned meat, fish and fishery products.

The Foodstuffs, Cosmetics and Disinfectants Act (Act 54 of 1972): The NRCS has delegated functions derived from the Foodstuffs, Cosmetics and Disinfectant Act; however the NRCS implements/administers this delegated function in line with its own Act and where there are compulsory specifications.
Alignment with other Departments

South African Food Control System

PPECB
Provinces

DAFF
Export of agricultural products
Registration of pesticides & stock remedies
Meat Hygiene, Import & Export of fresh meat etc
SPS Enquiry Point

Provinces & Municipalities

DoH
Import, Manufacture, Sale & Export (“Processed Products”)
“Food Safety Regs”
Nutritional Labelling
CODEX Contact Point
INFOSAN Emergency Contact Point
RASFF Contact Point

DTI
NRCS
Canned, frozen fish/products and Fresh seafood
Canned meat products (>10%)
Imports & Certification of exports
TBT Enquiry Point
Voluntary Standards (SABS)
SANAS
NCC

Co-ordination, Collaboration, Communication

Consumer Protection Act, 2008 ---NCC
Monitor the Consumer Market, investigate alleged prohibited conduct and offences and enforce compliance notices
Alignment with other Departments

- In terms of the NRCS Act Section 13 (1) Compulsory Specifications (VC) and 13(5), during compulsory specification development process, the respective Ministers’ concurrence has to be established.

- In terms of Fish and Fishery product NRCS has a Signed MOU with DAFF- Fisheries to ensure close cooperation.

- NRCS serves on various technical and advisory committees of the Department of Health and DAFF including various Codex. Committees, SPS Committee and Food Legislation Advisory Group (FLAG) Committee.

- NRCS is the appointed Competent Authority for export of fishery products including new markets/products.
The role of the NRCS (Foods and Associated Industries (FAI)) in food safety and inspections

Compulsory Specifications within the Foods Department

• Compulsory Specification for Frozen Fish, Frozen Marine Molluscs and Frozen products Derived there from.
• The Manufacture, Production, Processing and Treatment of Canned Fish, Canned Marine Mollusks and Canned Crustaceans.
• The Manufacture, Production, Processing and Treatment of Canned Meat Products.
• Compulsory Specification for Frozen Rock Lobster Products Derived there from.
• Compulsory Specification for Frozen Shrimps (Prawns), Langoustines and Crabs.
• Compulsory Specification for Smoked Snoek (In the process of amending the VC to include all smoked fishery products).
• Compulsory Specification for Live Aquaculture Abalone.
• Compulsory Specification for Live Rock Lobster.
Compulsory specifications requirements

- Microbiological requirements Methods of microbiological examination
- Factory construction, layout and conditions
- Hygienic operating requirements
- Product specific requirements (Raw material, final product)
- Physical, Chemical and Labelling requirements
- Non-compliances: Handling of Non Compliant Products

Compulsory Specification
FAI Inspection program

Accredited Inspection Program

- Safety and quality product evaluation
- (As per pre-determined schedules and/or sampling plans)
- Sanctioning of non-compliant product
  - Traceability of products
  - Legal Metrology requirements
  - Labeling requirements

Test methods
- Water/Ice
- Chemical evaluation (As per sampling plans)
- Microbiological evaluation (As per sampling plans)

• Factory requirements
• Equipment for production
• Pre-requisite requirements (GMP)
• Processing/ product requirements
• Requirements for employees

• Food Safety Management System (e.g. HACCP)
• Risks Management throughout the value chain
• Regulatory hazards

• Factory requirements
• Equipment for production
• Pre-requisite requirements (GMP)
• Processing/ product requirements
• Requirements for employees

• Food Safety Management System (e.g. HACCP)
• Risks Management throughout the value chain
• Regulatory hazards
Flow process for locally produced exports products

Raw material:
Existing laws: Applicable permits
Relevant Department: DAFF
Relevant Acts: MLRA etc.

Facility:
Existing approvals:
DoH COA – R962

Client registers Facility with NRCS

NRCS - FAI annual scheduled visit:
- Compliance of facilities & equipment (GHP+GMP)
- Staff hygiene
- Traceability
- Compliance of water
- product safety management program etc.

Final product

Issue Health Guarantees for Export

Retail/Market surveillance for Local
**Flow process for imported products**

Existing Pre-approval step:
Relevant DAFF permits
COA - DOH

**Health guarantees**

Port of entry – SARS flags to Port Health/NRCS
Port health defers to NRCS (FAI) & Importer declares to NRCS

NRCS inspect physical consignment and documents and release consignment for local trade (at importer’s premises/POE)
The NRCS regulates:
- Canned meat products; and
- the processing facilities of canned meat products which are inspected bi-annually.

Canned meat products: Are products packed in hermetically sealed containers which were subjected to a heat process such that there are no detectable microorganisms in the final product.

A hermetically sealed container does not allow permeation of gas or any foreign object.

Full physical inspection and microbiological examinations are conducted per each batch of canned meat.

Compliance certificates are issued per each batch for canned meat.

Canned meat products are not affected by the Listeriosis outbreak.
The difference in processing methods and packaging between processed meat products and canned meat products is the reason why canned meat products are not affected by the current Listeriosis outbreak.

Processed meat products are only subjected to a pasteurisation process and must be stored and transported under refrigerated conditions to preserve the product and therefore has a limited shelf-life. Processed meat products is also not packed in hermetically sealed containers.
Managers from FAI represented NRCS on the Listeriosis task team created at first meeting with all relevant role players i.e. DoH, DAFF, NCC, the dti and NICD. NRCS participated in task team and other Listeriosis related meetings.

Although the products affected by the Listeriosis outbreak are not regulated by the NRCS there are fishery ready-to-eat products regulated by the NRCS. These products are tested microbiologically for Listeria and when the outbreak occurred the frequency of testing was increased to ensure that none of these products are effected.
VC for processed meat products

- NRCS does not regulate processed meat products.
- A standard was developed with the view to regulate processed meat products, however due to disagreements with the Industry, the regulation was deferred to the Department of Health.
- DAFF gazetted compositional quality regulation which will reference certain provisions of the SANS 885.
- The hygiene requirements are not part of this proposed regulation and will still be covered under the general requirements for all foodstuffs under the DoH.
Thank You