SUBMISSION

PROPOSED AMENDMENTS TO THE REGULATIONS ON THE CONTROL OVER THE SALE OF POULTRY MEAT: AGRICULTURAL PRODUCT STANDARDS ACT NO. 119 OF 1990



19 OCTOBER 2026

ANIMAL LAW REFORM
SOUTH AFRICA

TO: The Department of Agriculture (**"DoA"** or the **"Department"**)
(Formerly the Department of Agriculture, Land Reform and Rural Development ("**DALRRD**"))
ATT: Executive Officer: Agricultural Product Standards
ATT: Mr Nyiko Shiviti
Per e-mail: nyikos@nda.gov.za

19 October 2026

Dear Representatives,

RE: ALRSA'S SUBMISSION IN RESPECT OF THE REGULATIONS REGARDING POULTRY MEAT INTENDED FOR SALE IN THE REPUBLIC OF SOUTH AFRICA: PROPOSED AMENDMENT (NOTICE NO. 7923 OF 18 SEPTEMBER 2026)

Please find herewith the **initial and non-exhaustive** submission by Animal Law Reform South Africa ("**ALRSA**")[1] in response to the proposed amendments to the Regulations Regarding Control Over the Sale of Poultry Meat (Government Notice R. 946 of 27 March 1992, as amended), made under section 15 of the Agricultural Product Standards Act 119 of 1990 ("**APSA**"), published for public comment in Government Gazette No. 55409, under Notice No. 7923 of 18 September 2026.[2]

I. ORGANISATIONAL BACKGROUND AND DECLARATION OF INTEREST

This Submission is made by ALRSA, a registered non-profit company and NPO (**Number 208-234 NPO**) acting in the public interest. ALRSA operates through three key Pillars: **Animal Flourishing, Social Justice, and the Law**.

ALRSA undertakes its work through three main mechanisms, namely: Legislative & Policy Reform; Litigation & Legal Services; and Education & Research. Through these mechanisms, ALRSA aims to contribute to the development of a robust animal law ecosystem in South Africa which recognises the intrinsic value of animals as sentient beings.

We have an interest in the issues to be considered by the Department of Agriculture in this national consultation. We have, for years, consistently expressed interest in issues involving animals, humans, and the environment to the Department of Agriculture ("**DoA**"), the Department of Forestry, Fisheries and the Environment ("**DFFE**"), other government departments, NGOs, the South African public, and other stakeholders, both privately and within the public domain. We have provided various formal submissions, sent letters, emails, and other correspondence, attended presentations and meetings, and otherwise engaged on these matters (where such engagement has been possible).

We are interested stakeholders and representatives of vulnerable populations within South Africa, including human as well as non-human animals. We have, within our core focus, concepts of social justice and appreciate the need for intersectionality in our approach.

[1] ALRSA Website: https://www.animallawreform.org/.
[2] Department of Agriculture, Notice No.7923 of 18 September 2026: Regulations on the Control Over the Sale of Poultry Meat: https://www.gov.za/sites/default/files/gcis_document/202609/55409gon7923.pdf.

II. PREVIOUS ENGAGEMENTS ON RELATED ISSUES, INCLUDING SUBMISSIONS MADE BY ALRSA (NON-EXHAUSTIVE)

Over the past 9 years, ALRSA has consistently provided detailed commentary and raised concerns on related documentation put forward by or relevant to the Department (and other relevant entities) and relevant to this Submission.

On 20 August 2026, ALRSA submitted comments to the Department on the proposed registration of certain methods of production as Management Control Systems ("**MCSs**") published under Government Gazette No. 54853, Notice No. 7597, on 19 June 2026 ("**20 August Submission**").[3] ALRSA, together with supporting organisations, also sent an accompanying Open Letter regarding the Department's Intention to Register Methods of Production as a MCS, supported by 30 other African organisations ("**Open Letter**").[4]

The 20 August Submission and the Open Letter are incorporated by reference into this Submission and should be read together with it. They set out ALRSA's broader concerns regarding the proposed regulatory approach, including the need for transparent and accessible standards, reliable and substantiated methods of production claims, meaningful consumer protection, and adequate safeguards against misleading representations (among others). Those concerns are directly relevant to the present proposed amendments.

Other notable submissions by ALRSA to various stakeholders (including the Department) include:

1. Draft General Public Procurement Regulations in terms of Section 63(1) of the Public Procurement Act 28 of 2024 (18 July 2026);[5]
2. Draft SANS 1369ED2 Organic agriculture production and processing (17 June 2026);
3. National Investigative Hearing into South African Food Systems and Violations of the Right to Food by the South African Human Rights Commission (Supplementary Submission) (submitted

[3] ALRSA's submission dated 20 August 2026 to the Department of Agriculture on the Intention to Register Methods of Production as a Management Control System under the Regulations Relating to the Management Control System in Respect of the Sale and Export of Certain Agricultural Products of the Agricultural Product Standards Act 119 of 1990, published for public comment in Government Gazette No.54853, under Notice No. 7597 of 19 June 2026, available at: https://animallawreform.org/wp-content/uploads/2026/08/Final-ALRSA-Submission-Method-of-Production-as-MCS.pdf.pdf. ALRSA made submissions in respect of the following Annexures which relate to the egg and poultry sector (among others): Annexure B (Barn Eggs); Annexure C (Canola Eggs); Annexure D (Fed a Vegetarian Diet); Annexure E (Free Range Poultry and Eggs); Annexure F (Free Range Cattle, Pigs, and Sheep); Annexure G (Grainfed Eggs); Annexure K (Organic Production); Annexure L (Pasture Raised); and Annexure N (Sow Friendly Pork).

[4] An Open Letter to the National Department of Agriculture Regarding the Exclusion of Caged Egg Production from the Proposed Management Control Systems Standards, 20 August 2026, available at: https://animallawreform.org/wp-content/uploads/2026/08/Final-Open-Letter-Regarding-the-Intention-to-Methods-of-Production-as-a-Management-Control-System-20-August-2026-Copy.pdf.

[5] ALRSA: https://animallawreform.org/wp-content/uploads/2026/08/ALRSA-Submission-Draft-Public-Procurement-Regulations.pdf.

on 10 April 2026);[6]

4. Draft SANS 22373 ED1 Security and resilience - Authenticity, integrity and trust for products and documents - Framework for establishing trustworthy supply chains (1 April 2026);
5. Department of Transport: Proposed Amendments to the Second Schedule of the Merchant Shipping Act 57 of 1951 (29 March 2026);[7]
6. National Investigative Hearing into South African Food Systems and Violations of the Right to Food by the South African Human Rights Commission (Initial Submission) (submitted on 27 February 2026);[8]
7. Draft SATS 17033:20xx Ed 1 - Ethical claims and supporting information - Principles and Requirements Submission (18 February 2026);
8. African Organisation for Standardisation: CD-ARS 1241- Laying battery cages for chicken Submission (29 January 2026);
9. Joint Letter to the African Organisation for Standardisation (and African Country Standards Authorities) Regarding Draft 'Laying Battery Cages for Chicken - Specification' Standards (submitted on 21 January 2026);[9]
10. Submission in Respect of the Request for the Continuation of Statutory Measures Relating to Levies, Registrations and Records and Returns on Table Eggs in Terms of The Marketing of Agricultural Products Act (submitted on 5 December 2025); [10]
11. Animals Protection Act 71 of 1962, Draft Regulations for the Exportation of Live Animals By Sea (submitted on 25 August 2025);[11]
12. Draft Rabbit Meat Regulations to be Published Under the Meat Safety Act No. 40 of 2000 (submitted on 27 May 2025);[12]
13. Draft Regulations Relating to Meat Analogues Intended for Sale in the Republic of South Africa made by the Minister for Agriculture in terms of section 15 of the Agricultural Product Standards

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[6] ALRSA's supplementary submission to the South African Human Rights Commission's National Investigative Hearing into South African Food Systems and Violations of the Right to Food, 10 April 2026: https://animallawreform.org/wp-content/uploads/2026/04/ALRSA-SAHRC-Supplementary-Submission-10-April-2026.pdf

[7] ALRSA: https://animallawreform.org/wp-content/uploads/2026/04/ALRSA-Submission-Proposed-Amendments-to-Second-Schedule-of-Merchant-Shipping-Act.pdf.

[8] ALRSA: https://animallawreform.org/wp-content/uploads/2026/03/ALRSA-SAHRC-Submission-February-2026.pdf.

[9] ALRSA: https://animallawreform.org/wp-content/uploads/2026/01/Updated-Letter-Regarding-ARSO-Draft-Battery-Cage-Standards-27.01.2026.pdf.

[10] ALRSA: https://animallawreform.org/wp-content/uploads/2025/12/ALRSA-Submission-Statutory-Measures-Relating-to-Egg-Levies.pdf.

[11] ALRSA: https://animallawreform.org/wp-content/uploads/2025/09/ALRSA-Submission-Draft-Live-Export-Regulations-25-August-2025.pdf.

[12] ALRSA: https://animallawreform.org/wp-content/uploads/2025/06/ALRSA-Submission-Draft-Rabbit-Meat-Regulations.pdf.

Act 119 of 1990 (submitted on 11 February 2025);[13]

14. Joint Letter of objection [ALRSA and ProVeg] in respect of the request for comments circulated by the Department on 25 October 2024 for the Draft Meat Analogue Regulations Relating to Meat Analogues Intended for Sale in the Republic of South Africa in terms of section 15 of the APSA (11 December 2024);[14]
15. Request for Perception from Meat Industry and Plant-based Meat Products Industry on the Proposed Common and Traditional Names in the Sale of Plant-Based Meat Products (submitted 16 October 2024);
16. Submission relating to Plant-Based Foods and Meat Analogues: Amendment Regulations for Processed Meat And Certain Raw Processed Meat Products (submitted 11 October 2024);
17. Regulation Regarding the Classification, Packing and Marking of Processed Meat and Certain Raw Processed Meat Products Intended for Sale (17 May 2024);[15]
18. Draft Regulations Regarding the Labelling and Advertising of Foodstuffs Under the Foodstuffs, Cosmetics and Disinfectants Act (21 September 2023);[16]
19. Meat Safety Act 40 of 2000 Exemption (submitted 23 November 2022);[17]
20. Letter Response to the Department of Agriculture, Land Reform and Rural Development's Communique to the Stakeholders of meat analogue products (30 June 2022);[18]
21. Draft Guidelines for the transportation of Live Animals by Sea (submitted 30 April 2021);[19]
22. Draft SANS 1758: Code for Chicken Welfare (April 2021);
23. Proposed Amendments to the Meat Safety Act 40 of 2000 (submitted 30 June 2020);[20]
24. Draft Regulations Relating to Farm Feeds in terms of Fertilizer, Farm Feeds, Agricultural Remedies and Stock Remedies Act (submitted 19 April 2019); and[21]

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[13] ALRSA: https://animallawreform.org/wp-content/uploads/2025/03/ALRSA-Submission-Draft-Regulation-for-Meat-Analogues.pdf.
[14] ALRSA: https://www.animallawreform.org/wp-content/uploads/2025/03/ProVeg-ALRSA-Letter-to-DALRRD-1.pdf.
[15] ALRSA: https://www.animallawreform.org/wp-content/uploads/2025/03/ALRSA-Processed-Meat-Regulations-Submission-May-2024.pdf.
[16] ALRSA: https://www.animallawreform.org/wp-content/uploads/2023/11/ALRSA-Submission-Draft-Regulations-Food-Labeling-and-Advertising.pdf.
[17] ALRSA: https://www.animallawreform.org/wp-content/uploads/2023/01/ALRSA-Meat-Safety-Act-Submission.pdf.
[18] ALRSA: https://www.animallawreform.org/wp-content/uploads/2022/07/Joint-Response-to-Communique.pdf.
[19] ALRSA: https://www.animallawreform.org/wp-content/uploads/2021/05/Live-Export-Submission-ALRSA-CALS-1.pdf.
[20] ALRSA: https://www.animallawreform.org/wp-content/uploads/2020/07/ALRSA-and-EMS-Meat-Safety-Act-Comments.pdf.
[21] ALRSA: https://www.animallawreform.org/wp-content/uploads/2019/08/12.-ALRSA-Comments-Feed-and-Pet-Feed.pdf.

25. Draft Regulations regarding the Grading, Packing and Marking of Eggs intended for Sale in the Republic of South Africa (submitted 1 July 2019).[22]

These engagements are collectively referred to as the "**ALRSA Submissions**".

III. PURPOSE AND STRUCTURE OF ALRSA'S COMMENTS

The attached table sets out ALRSA's comments on the proposed amendments. We made use of the Department's comment template[23] as the basis for the attached table. The table identifies the concerns arising from the proposed wording, recommends amendments or clarification where appropriate, and provides the motivation for each recommendation. It also addresses the interaction between the proposed amendments and the Regulations Relating to the Management Control System in Respect of the Sale and Export of Certain Agricultural Products ("**MCS Regulations**"). **This Submission distinguishes the existing claim conditions from proposed additions, including mandatory disclosure; those additions are policy recommendations and are not presented as existing legal obligations.**

We note, with concern, that the template appears to provide a column for **"industry" comments** rather than a clearly designated space for comments from civil society and other members of the public (**stakeholders** more generally, that are not commercial entities). ALRSA has therefore adapted its use of the template to facilitate the submission of its comments. We respectfully request that the Department consider revising the template for future consultations to provide an appropriate and accessible means for *all* interested stakeholders to record their submissions and proposed amendments.

IV. ALRSA'S OVERARCHING CONCERNS AND OBJECTIVES

ALRSA recognises the importance of the Department's initiative to establish a formal, legally enforceable framework for regulating methods of production claims in relation to poultry meat. Such a framework has the potential to promote regulatory consistency and transparency, prevent misleading claims and support consumers' ability to make informed choices. However, the framework must be sufficiently clear, consistent, comprehensive and enforceable to achieve these objectives in practice.

The attached comments in the table are guided by the following interrelated objectives.

1. **Ensuring the integrity of production-method claims**. A voluntary method of production claim should not be used unless the relevant MCS has been registered and the claim complies with the applicable registered requirements. Those requirements must be **clear, objective, consistent, measurable and publicly accessible**, so that claims can be assessed and verified. Registration alone should not render a claim acceptable where the claim is misleading in its wording, presentation or

[22] ALRSA: https://www.animallawreform.org/wp-content/uploads/2019/08/13.-ALRSA-Comments-on-Egg-Labeling-Standards.pdf.
[23] The Department's template for comments was accessed at: https://www.nda.gov.za/index.php/publication/520-draft-legislation-for-comments.

imagery or otherwise problematic.

2. **Ensuring mandatory disclosure of methods of production**. Consumers, in order to make informed choices, should have access to accurate information about how poultry meat was produced, regardless of whether a producer or retailer chooses to make a voluntary method of production claim. ALRSA therefore considers that the regulatory framework should provide for **mandatory** method of production disclosure, rather than relying exclusively on voluntary claims to communicate this information.
3. **Maintaining adequate minimum conditions for welfare-related claims.** The introduction of MCSs should not result in the removal or weakening of existing protections without adequate replacement requirements. In particular, ALRSA is concerned that the proposed deletion of the existing provisions governing the use of the "free range" claim from the Poultry Meat Regulations may remove specific, established requirements before equivalent or stronger criteria have been finalised, registered and brought into effect. Any replacement standards must provide meaningful and enforceable protections and must not allow a claim to become misleading simply because a producer complies with a registered protocol. These are conditions for using production-method claims; they do not replace generally applicable animal-protection duties or establish a comprehensive welfare code for all poultry production.

A credible framework must regulate whether and how method of production claims may be made, ensure that consumers receive relevant information even in the absence of voluntary claims, and maintain appropriate standards against which production practices and representations can be assessed.

V. (SELECTED) REQUESTS TO THE DEPARTMENT

In light of the concerns set out in the attached table, the 20 August Submission and the Open Letter, ALRSA respectfully requests that the Department:

1. Defer finalising the proposed amendments until the relevant MCSs for poultry production methods, including the relevant Free Range MCS (proposed Annexure E), have been appropriately finalised; objections to Notice No. 7597 have been resolved in accordance with regulations 8 to 10 of the MCS Regulations; and materially revised proposals have been published for meaningful public comment. At a minimum, do not commence the deletion of regulation 13(4) until equivalent or stronger replacement requirements are legally operative for every poultry species presently covered, with clear transitional arrangements. This would allow stakeholders to assess the proposed poultry meat amendments against the standards that will govern the claims in practice.
2. Provide a written response to the comments, suggestions, concerns and proposals put forward in ALRSA's 20 August Submission and the joint civil society Open Letter, as well as other comments received, including from civil society (including those in the animal protection and welfare sectors), addressing the material concerns raised therein before proceeding with amendments that depend on the proposed MCS framework.

3. Ensure coordination between the proposed amendments, the MCS framework and relevant standard-setting processes, including engagement with the South African Bureau of Standards ("**SABS**") in relation to relevant standards, such as the draft SANS 1758 Code for Chicken Welfare, to promote consistency and avoid conflicting or inadequate requirements.
4. Improve the consultation process by ensuring that the comment template accommodates submissions from **stakeholders** (including civil society and other interested members of the public) **and not only industry** (commercial entities with a profit interest). All stakeholders should have a meaningful opportunity to comment on any revised proposals before they are finalised.

ALRSA makes these recommendations constructively and in the public interest. Our intention is to assist the Department in developing a coherent and effective regulatory framework that supports truthful and accurate labelling, informed consumer choice, transparency and accountability, while ensuring that production-method standards provide meaningful and enforceable protections for animals (including the hundreds of millions of chickens implicated in the poultry sector).

We respectfully request that the Department consider this letter as well as the attached table together with the 20 August 2026 Submission and the Open Letter, which are incorporated by reference, and take these comments into account in determining the appropriate way forward.

We look forward to receiving a response to our Submission and are available to engage on any queries, comments, or concerns the Department may have in respect of our comments.

Kindly confirm receipt of this Submission and address further correspondence to the email addresses: amywilson@animallawreform.org, michaelatafani@animallawreform.org, paulaknipe@animallawreform.org, tarrynbannister@animallawreform.org.

Yours sincerely,



Amy P. Wilson
BCom; LLB; LLM; LLD Candidate
Executive Director, Co-Founder
Animal Law Reform South Africa
amywilson@animallawreform.org

TEMPLATE FOR COMMENTS

DRAFT AMENDMENTS TO THE REGULATIONS REGARDING CONTROL OVER THE SALE OF POULTRY MEAT IN THE REPUBLIC OF SOUTH AFRICA

DUE DATE: 19 October 2026

CONSOLIDATED COMMENTS

Regulation number	Proposed change/addition	DoA's Motivation/Justification for change	Stakeholder ~~Industry~~ Response/Comment
1.	**2.**	**3.**	**4.**
General Comment	This initial, non-exhaustive Submission is made by Animal Law Reform South Africa ("**ALRSA**"). Please refer to the cover letter preceding this table of comments dated 19 October 2026 for (additional) general comments, concerns and proposals that apply to this Submission. Please note that to differentiate between the Department's wording and our own, we have used Arial Font for the Department and EB Garamond for our own.		

Regulation number	Proposed change/addition	DoA's Motivation/Justification for change	Stakeholder ~~Industry~~ Response/Comment
COMMENTS ON THE DEPARTMENT'S PROPOSALS [LINK]			
Reg (1) **Definitions**	**Proposal is to insert the following definition under Regulation 1 after definition of marinade.** **"method of production"** means a manner of production, and or processing, and or handling of certain agricultural products following a particular auditable protocol which is distinguished by the use of a claim as defined in the regulations relating to the management control system in respect of the sale and export of certain agricultural products published in terms of the Act."	To align the terminology and scope of the regulations with the Management Control System framework and to provide a clear regulatory basis for method-of-production claims associated with poultry products. This will ensure that such claims are linked to an auditable protocol and are subject to appropriate control and verification.	***ALRSA's comments:*** While we support linking method-of-production claims to the Management Control System ("**MCS**") framework, we submit that the proposed definition is too narrow. Defining a method of production by reference to an auditable protocol distinguished by the use of a claim risks limiting the regulatory framework to production systems marketed under specific claims, while leaving intensive production systems (such as battery cage production, among others) unaddressed and, accordingly, unknown to many consumers. This may undermine transparency by requiring specific production methods to be identified only where a claim is made, without ensuring that consumers can access information about the production conditions underlying poultry "products" more generally. As ALRSA highlighted in its submission to the DoA in respect of the *Intention to Register Methods of Production as a MCS, under the Regulations Relating to the Management Control System in Respect of the Sale and Export of Certain*

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			Agricultural Products of the APSA, on 20 August 2026,[24] a regulatory framework should not render conventional, intensive production systems effectively invisible while subjecting only selected systems to disclosure requirements. ALRSA therefore recommends that the definition be neutral, describing how poultry birds are actually bred, reared, housed, transported and slaughtered, irrespective of whether a claim is made. The claim-compliance provisions should separately require compliance with the published specifications of the applicable registered MCS. A neutral definition of production method should not itself depend on a producer choosing to register or make a claim. A proposed definition that might encapsulate this concern includes: "*'method of production' means the system or manner in which poultry birds are bred, hatched, reared, housed, fed, managed, transported, slaughtered, and handled, and in which their meat is processed and handled, including the conditions affecting the welfare of the poultry birds throughout*

[24] ALRSA's submission dated 20 August 2026 to the Department of Agriculture on the *Intention to Register Methods of Production as a Management Control System under the Regulations Relating to the Management Control System in Respect of the Sale and Export of Certain Agricultural Products of the Agricultural Product Standards Act 119 of 1990*, published for public comment in Government Gazette No.54853, under Notice No. 7597 of 19 June 2026, available at:https://animallawreform.org/wp-content/uploads/2026/08/Final-ALRSA-Submission-Method-of-Production-as-MCS.pdf.pdf.

Regulation number	Proposed change/addition	DoA's Motivation/Justification for change	Stakeholder ~~Industry~~ Response/Comment
			their lives, irrespective of whether a claim relating to that method of production is made". ALRSA further recommends the insertion of the following supporting definitions: 1. *"**claim**" means any word, expression, image, symbol, description, graphic depiction, or other representation, that states, implies or suggests that poultry meat was produced in accordance with a particular method of production.* 2. *"**registered Management Control System**" means a Management Control System registered in terms of Regulation 10 of the Regulations Relating to the Management Control System in Respect of the Sale and Export of Certain Agricultural Products, as recorded in the Register at the relevant time.* Images, including for example of pasture, open fields or free-roaming birds can communicate a method-of-production claim as effectively as words (if not more). The definition of "claim" in the MCS Regulations is limited to "a name or word". The Department should align the two regulatory definitions to encompass express and implied representations, including images and symbols. The APSA's definition of "management control system", as amended by

Regulation number	Proposed change/addition	DoA's Motivation/Justification for change	Stakeholder ~~Industry~~ Response/Comment
			Act 12 of 2023, already refers to illustrated and visual material. The narrower wording in the MCS Regulations must be read in that statutory context; it should not be treated as conclusively excluding imagery. Express clarification would nevertheless improve certainty.
Reg 2 (4)	Proposal is to amend Regulation 2 by inserting sub-regulation (4) "(4) Any claim relating to a method of production associated with poultry meat shall comply with the applicable Management Control System registered in terms of the regulations relating to the management control system in respect of the sale and export of certain agricultural products published in terms of the Act."	To ensure that method-of-production claims made in relation to poultry meat are subject to a consistent, auditable and enforceable management control system, thereby preventing unsupported or misleading claims and promoting transparency and consumer protection.	***ALRSA's comments:*** ***Comment 1*: Claims for which no Management Control System is registered** The reference to "the applicable Management Control System" presupposes that a relevant Management Control System (MCS) has been registered. However, claims may relate to methods of production for which no MCS has been registered. The proposed regulation does not expressly state what happens in those circumstances, creating uncertainty about whether such claims may continue to be used in the absence of an applicable registered MCS. Although the MCS Regulations prohibit the use of an unregistered MCS, the Poultry Meat Regulations should expressly address the use of claims relating to methods of production for which no MCS has been registered. This would establish a clear, accessible legal basis within the

Regulation number	Proposed change/addition	DoA's Motivation/Justification for change	Stakeholder ~~Industry~~ Response/Comment
			Poultry Meat Regulations themselves, rather than requiring producers, importers, retailers, consumers and enforcement officials to interpret the two regulatory instruments together to determine whether a particular claim is permissible. ***Proposed amendment:*** Replace the proposed standalone regulation 2(4), rather than inserting a paragraph in regulation 2(1), with the following: *"(4) Notwithstanding sub-regulations (2) and (3), no express or implied claim relating to a method of production may be made in respect of poultry meat, whether on a label or in advertising or other presentation, unless a Management Control System relating to that method of production has been registered in terms of regulation 10 of the Regulations Relating to the Management Control System in Respect of the Sale and Export of Certain Agricultural Products, and the claim is used in accordance with the registered Management Control System and the applicable requirements of those Regulations. This registration requirement does not apply to accurate mandatory production-system disclosure required by regulation 8(5); such disclosure shall comply with the prescribed categories and criteria and shall not imply MCS certification. Compliance does not authorise a false or misleading representation or displace regulation 13 or applicable consumer-protection law."*

Regulation number	Proposed change/addition	DoA's Motivation/Justification for change	Stakeholder ~~Industry~~ Response/Comment
			Motivation: Subject to the express exception for mandatory factual disclosure, this amendment would prohibit the use of method of production claims unless an applicable MCS has been registered and the claim complies with that MCS. It would address uncertainty where no relevant MCS exists and help prevent unregistered or unsubstantiated method of production claims from being used to market poultry meat. The prohibition would regulate the use of voluntary claims. It would not, by itself, require disclosure of the production method where no voluntary claim is made. A separate mandatory-labelling requirement is therefore necessary to ensure consumers receive this information regardless of whether a producer chooses to make a method of production claim, giving effect to the DoA's motivation to promote transparency and consumer protection. ***Comment 2:*** **Legal certainty, public accessibility and amendments to registered MCSs** The MCS Regulations provide for the Register to contain specifications or summaries of the critical elements of an MCS and for protocol information to be made available on request. However, the proposed amendments do not appear to establish a procedure for amending a registered MCS or

Regulation number	Proposed change/addition	DoA's Motivation/Justification for change	Stakeholder ~~Industry~~ Response/Comment
			expressly require the full text of each registered MCS to be published and readily accessible to the public. If compliance with a registered MCS determines whether a method of production claim may lawfully be made, producers, importers, retailers, enforcement officials and consumers must be able to identify the applicable requirements without undue difficulty, consistently with the constitutional requirement of reasonable legal certainty.[25] Reliance on summaries or information available only on request may make it difficult to determine the precise scope of a permitted claim, particularly where the applicable requirements have changed. ***Proposed amendment:*** The Department should expressly require the full text of each registered MCS to be published alongside the Register on its website. Any proposed amendment to a registered MCS should be subject to a transparent notice-and-objection procedure, with appropriate public notice and an opportunity for interested parties to comment before the amendment takes effect.

[25] In *Affordable Medicines Trust v Minister of Health* [2005] ZACC 3, at paragraph 108, the Constitutional Court recognised the importance of legal certainty and the need for legal rules to be sufficiently clear to enable those subject to them to regulate their conduct accordingly.

Regulation number	Proposed change/addition	DoA's Motivation/Justification for change	Stakeholder ~~Industry~~ Response/Comment
			Motivation: These measures would promote transparency, legal certainty, public participation and effective enforcement. They would also enable consumers and civil society organisations to assess whether method of production claims are supported by the applicable registered requirements and whether those requirements provide adequate protection. The Department should ensure that the applicable MCS, including any amendments, is publicly accessible, up to date, and that the requirements governing the use of claims remain clear, verifiable and enforceable.
Reg 8 (4)	Proposal is to amend regulation 8(4) "(4) Any claim related to a method of production indicated on a container, label or in the presentation of poultry meat shall comply with the applicable Management Control System registered in terms of the regulations relating to the management control system in respect of the sale and export of certain agricultural products published in terms of the Act."	To ensure that method-of-production claims appearing on poultry meat containers, labels or presentations are supported by an approved and registered management control system, thereby ensuring consistency between the production method, the claim made to consumers and the applicable regulatory requirements.	***ALRSA's comment:*** As ALRSA submitted on 20 August, the proposed method of production MCS framework provides labelling rules for claims that are registered and used but does not require any production-method label. It therefore promotes transparency only to a limited extent. Standardised, accurate and mandatory production-system labelling would help address information asymmetry and advance the plain-language, labelling and anti-misrepresentation objectives reflected in sections 22, 24, 29 and 41 of the *Consumer Protection Act 68 of 2008.* Those provisions do not themselves

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			establish a general duty to label every product with its method of production; an express regulatory requirement is needed. The Open Letter makes the same request for eggs (requests 2 and 4). ALRSA recommends inserting: *"*(5) *Whether or not a voluntary claim is made, the method of production of the poultry from which poultry meat is derived shall be disclosed clearly, accurately and legibly on its container, using production-system categories and objective criteria prescribed in these Regulations. The disclosure shall appear on the principal display panel, adjacent to the product designation, in contrasting text of at least the minimum size prescribed for mandatory particulars. If no brand name is used, the obligation still applies. For unpackaged poultry meat, equivalent information shall appear on a notice immediately adjacent to the meat; for distance sales it shall be available before purchase. Categories shall cover all production systems, including intensive indoor and cage systems where applicable. Disclosure shall not depend on registration of a voluntary MCS. Where poultry from different systems is combined, every system represented shall be identified and no higher-standard*

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			claim may describe the whole product unless all poultry ingredients meet that standard." This is consistent with ALRSA's proposal for method of production disclosure on egg packaging (comments on Annexure E, Section 12.1), and comparative production-system labelling approaches. To cover foods containing poultry meat as an ingredient that fall outside the present Regulations, corresponding amendments to the applicable processed-food and labelling instruments will be required; expanding this provision alone may not suffice. In addition, *"presentation"* should be defined to include any packaging, label, advertisement, website, social media content, point-of-sale material, image, symbol, trade description or other representation, whether express or implied, that states, implies or suggests a particular method of production. Images of pasture, open fields or free-roaming birds can communicate a method-of-production claim as effectively as words.

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			We further submit that the proposed mandatory-labelling rule should not depend on the producer voluntarily making a claim. If it does, producers who make no claim could continue to withhold information about the production system. The mandatory disclosure requirement should therefore apply whether or not a voluntary method-of-production claim is made. For consistency with ALRSA's proposed regulation 2(4), the Department should also amend proposed regulation 8(4) to exclude accurate mandatory disclosure under regulation 8(5) from its MCS-registration requirement. The MCS Regulations should be aligned expressly so that the disclosure of a prescribed production-system category does not itself require voluntary MCS registration or imply certification.
Reg 13 (4)	Amended by: the deletion of sub-regulation (4); and (4)(a) Poultry carcasses shall only be marked with the expression 'Free range X' or 'Vryloop X', where 'X' represents	To remove the specific production requirements applicable to the "Free range X" claim from these Regulations where such requirements are provided for under the applicable Management Control System for Free Range poultry meat. This is intended to avoid duplication and potential inconsistency between the product-specific requirements and the requirements applicable to the registered	***ALRSA's comment:*** ALRSA objects to the deletion of regulation 13(4) unless and until equivalent or stronger replacement requirements are registered and legally operative for all poultry species presently covered, with effective enforcement and transitional arrangements. Regulation 13(4) contains the existing express production-

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	the type of poultry from which the carcass is derived, if such carcasses were obtained from poultry which had continuous daytime access to open air runs. (b) the open-air runs referred to in paragraph (a) shall - (i) be mainly covered with vegetation where poultry is able to scratch and dustbath; and (ii) be big enough to allow ample running space the renumbering of sub-regulation (5) to "(4)".	Management Control System governing the method of production	condition requirements governing the use of "Free range X" or "Vryloop X" on poultry "carcasses". Although the general prohibition on misleading representations in Regulation 13(1) remains applicable, deleting Regulation 13(4) before a corresponding registered MCS is in force would remove the existing specific free-range standard from the Poultry Meat Regulations. This risks removing a specific benchmark, although the effect must be assessed together with the MCS prohibitions, commencement provisions and any applicable exemptions. ALRSA seeks continuity of an enforceable standard, rather than a period of uncertainty or reliance solely on general anti-misrepresentation rules. The following additional points apply. 1. To the extent that the replacement Annexure E permits shorter outdoor access than regulation 13(4), it would weaken the ordinary textual benchmark of continuous daytime access. The Department should identify any existing disease-control dispensations and clarify their continuing validity and effect on this comparison. Any reduction in substantive requirements must be assessed and justified before the existing provision is deleted. The Department should ensure the registered MCS does not weaken existing protections and should retain Regulation

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			13(4) until an equivalent or more protective standard is registered and in force. 2. Regulation 13(4) is not limited to chickens; it applies to poultry generally, including the types of poultry identified in the Regulations. Unless the final Annexure E covers every relevant poultry species, its registration would not by itself replace the existing standard for species outside its scope. The Department should either extend the MCS to the relevant species or retain the existing requirements until suitable replacement standards are in force. 3. Regulation 13(4) expressly recognises the terms "Free range X" and "Vryloop X". Any replacement standard must preserve the ability to identify the applicable method of production accurately in the official languages and ensure that equivalent terms are subject to equivalent requirements. If regulation 13(4) is retained, ALRSA proposes strengthening it by replacing paragraph (b) and adding paragraph (c) as follows. If replacement standards are adopted instead, equivalent safeguards should be included there:

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			"*(b) the open-air runs referred to in paragraph (a) shall -* *(i) be covered with living vegetation over more than 50% of their area at all times, in which birds can exhibit natural behaviours such as scratching, dustbathing and foraging;* *(ii) provide not less than 4 m² of usable area per chicken, and not less than 2 m² per duck and 4 m² per turkey;* *(iii) include natural cover (trees or shrubs) or structures placed within 20 m of the pop-holes and distributed across the range; and* *(iv) provide at least 8 m² of shade per 1,000 birds, in distributed structures*; (c) *birds and/or their meat marketed/ labelled/ presented as "Free range" shall not have been kept in cages (battery, enriched, colony or other) at any stage of their lives. Necessary temporary brooding, veterinary treatment and transport shall be subject to species-appropriate welfare safeguards and recorded; this paragraph does not displace applicable animal-health controls."* The above proposals are justified as follows. 1. The 4 m² proposal is one possible recommended outdoor allowance for chickens. It is a proposed improvement, not the existing South African statutory requirement or the EU minimum for

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			ordinary free-range chicken meat. 2. Vegetation, cover and shade can encourage range use and provide opportunities for natural behaviour and protection from exposure. Their design and distribution should be supported by species-specific welfare evidence; outdoor access alone does not ensure effective use of the range.[26] 3. The cage-free requirement applies the lifetime principle from Annexure E (section 1.3): a "free range" claim should describe the bird's rearing history, with clearly defined and justified exceptions for necessary brooding, treatment and transport.

The following additional comments and proposals by Animal Law Reform South Africa are submitted for the Department's consideration.

[26] EFSA Panel on Animal Health and Welfare (AHAW), "Welfare of broilers on farm", EFSA Journal 2023;21(2):7788, section 3.5.1.9, p. 121, https://www.efsa.europa.eu/sites/default/files/2023-02/efs2-7788.pdf (range use, vegetation and cover). This source supports the general rationale for range design; the numerical criteria proposed above are potential recommendations put forward by ALRSA for purposes of this Submission, not quoted EFSA minima.

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General comment regarding claim requirements	Clarify that claim requirements apply throughout the supply chain and, through coordinated amendments where necessary, to processed foods containing poultry meat whenever a method-of-production claim is made. Ensure that neither regulation 2(3) nor the exemption power in regulation 3(2) of the MCS Regulations can authorise false or misleading claims. Any permitted exemption from registration or audit requirements should be narrowly defined, reasoned, time-limited and published, with equivalent substantiation requirements.	Regulation 2(2) exempts certain products from regulation 2(1). That does not automatically exempt them from a separately framed new regulation 2(4), and the MCS Regulations may independently apply. Nevertheless, product definitions and the interaction of the exemptions should be clarified so that production-method claims on processed poultry and composite foods remain verifiable. A prohibition inserted only into regulation 2(1) would be exposed to its express exemptions; this is why ALRSA proposes a standalone regulation 2(4). Both regulatory instruments must be coordinated; changing one does not amend the exemption power in the other.	
General comment regarding imported poultry meat	Provide expressly that the amendments apply equally to imported poultry meat, that method-of-production claims on imports must be supported by the attestations required under Regulation 3(1)(f) of the MCS Regulations, and that ALRSA's proposed mandatory labelling in regulation 8(5) applies to imported products as well as domestic products, with the responsible importer expressly identified.	"Packer" in Regulation 1 of the MCS Regulations already includes an importer, but claims on imported products (including claims referring to foreign standards) must not be held to a lower standard than domestic products. Otherwise, the amendments create an incentive to import products that make unverified claims.	
Regulation 1	Insert in Regulation 1 a measurable definition of "free range". To provide a frame of reference, the definition could potentially be informed by	Regulation 13(4) sets qualitative conditions for "free range", but does not prescribe the	

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	comparable foreign examples such as Annex VI(c) and (d) of Commission Delegated Regulation (EU) 2026/343 (in force in the European Union ("**EU**") since 9 March 2026).[27] Proposed wording for South Africa, drawing on selected EU criteria and ALRSA's stricter recommendations rather than reproducing either EU category in full: *"'free range' means that -* *(i) the stocking density in the poultry house does not exceed, per m² of usable floor space: for chickens, 27,5 kg liveweight and not more than 13 birds; for capons, 27,5 kg liveweight and not more than 7,5 birds; for ducks and turkeys, 25 kg liveweight;* *(ii) the birds are slaughtered at not less than: chickens, 81 days; turkeys, 70 days; Peking ducks, 49 days; Muscovy ducks, 70 days (females) and 84 days*	quantitative criteria proposed here. A definition should be inserted to establish clear, verifiable requirements for stocking densities, housing limits, outdoor access and run areas, feed composition, minimum slaughter ages and other applicable production conditions, to ensure free-range claims are transparent, consistent and not misleading. These standards should be regarded as a minimum welfare floor. Where ALRSA's submission[28] of 20 August 2026 on the registration of proposed methods of production as MCSs proposes more protective standards, including on indoor stocking densities, those standards should apply. In particular, ALRSA proposed a weight-based	

[27] Commission Delegated Regulation (EU) 2026/343 of 6 October 2025 supplementing Regulation (EU) No 1308/2013 of the European Parliament and of the Council as regards marketing standards for poultry meat, and repealing Commission Regulation (EC) No 543/2008, available at: https://eur-lex.europa.eu/eli/reg_del/2026/343/oj.

[28] ALRSA's submission dated 20 August 2026 to the Department of Agriculture on the *Intention to Register Methods of Production as a Management Control System under the Regulations Relating to the Management Control System in Respect of the Sale and Export of Certain Agricultural Products of the Agricultural Product Standards Act 119 of 1990*, published for public comment in Government Gazette No.54853, under Notice No. 7597 of 19 June 2026, available at: https://animallawreform.org/wp-content/uploads/2026/08/Final-ALRSA-Submission-Method-of-Production-as-MCS.pdf.pdf.

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	(males); female Mulard ducks, 65 days; young cocks, 90 days; capons, 140 days; *(iii) the birds have had continuous daytime access, for not less than 8 hours a day during natural daylight, to open-air runs complying with regulation 13(4)(b), from no later than 21 days of age for chickens, with species-specific start ages prescribed for other poultry;* *(iv) the feed formula used during the fattening stage contains at least 70% cereals, without compromising species-appropriate nutritional requirements;* *(v) the poultry house has pop-holes of a combined length of at least 4 m per 100 m² of floor area;* *(vi) any withdrawal of outdoor access is recorded, with its reason and duration, and shall not exceed 14 consecutive days or 14 days cumulatively during the period when access is required. If either limit is exceeded, meat from that flock shall not be marketed as free range merely because access is*	maximum indoor stocking density for broiler chickens of 27,5 kg/m², more protective than the 30 kg/m² ceiling used by the RSPCA meat-chicken standards and the Better Chicken Commitment (comments on Annexure E, Section 4.3(a)(ii)), and a minimum outdoor range of 4 m² of usable area per bird, with a maximum flock size of 2 000 birds per housing unit (comments on Annexure E, Section 4.2(a)). Housing and range rules alone do not address the welfare risks associated with rapid growth, including leg and cardiovascular disorders.[29] The EU requires slow-growing breed strains and a minimum slaughter age of 81 days for chickens in its "*traditional free range*" tier.[30] Without a strain requirement, "free range"	

[29] European Food Safety Authority ("EFSA"), Welfare of broilers and laying hens on farm (21 February 2023), accessible at: https://www.efsa.europa.eu/en/infographics/welfare-broilers-and-laying-hens-farm. Moreover, the FARMS Initiative's Responsible Minimum Standards ("RMS") for Chickens Raised for meat, available at: https://www.farmsinitiative.org/rmsforchickens state the following: "Adopt breeds that demonstrate higher welfare outcomes, including the Hubbard JA757, 787, 957, or 987, Rambler Ranger, Ranger Classic, and Ranger Gold, or others that meet the criteria of the Royal Society for the Prevention of Cruelty to Animals' Broiler Breed Welfare Assessment Protocol".

[30] Annex VI(d), Commission Delegated Regulation (EU) 2026/343 of 6 October 2025 supplementing Regulation (EU) No 1308/2013 of the European Parliament and of the Council as regards marketing standards for poultry meat, and repealing Commission Regulation (EC) No 543/2008, available at: https://eur-lex.europa.eu/eli/reg_del/2026/343/oj.

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	subsequently restored. Animal-health restrictions remain binding; this provision governs entitlement to the claim and does not authorise non-compliance with those restrictions; *(vii) chickens are of a slow-growing strain with an average daily weight gain not exceeding 50 g over the rearing period, supported by independent breed-welfare assessment; and* *(viii) no chicken housing unit contains more than 2 000 birds."*	could still describe a fast-growing bird that spends most of their short life indoors.	

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Commencement provision in the draft amending Regulations	The commencement of the proposed amendments will need to be reconsidered by the Department following submissions received in respect of this consultation. The Department could replace commencement "on the date of publication" with commencement of the deletion of Regulation 13(4) on a specified date no earlier than the date equivalent or stronger replacement free-range requirements are legally operative for every poultry species presently covered. Registration alone is insufficient if application or enforcement is deferred. ALRSA's proposed mandatory labelling in regulation 8(5) should commence after a short phase-in of six months.	Immediate deletion without an operative replacement risks removing the existing specific benchmark. Retaining regulation 13(4) during a defined transition would avoid that uncertainty. The drafting must distinguish the commencement clause of the amending instrument from regulation 6 of the principal Regulations, which concerns packing. ALRSA proposes a six-month phase-in for mandatory disclosure, commencing once the Department has prescribed the necessary production-system categories, criteria and labelling rules. Implementation costs, including verification and packaging changes,	

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		should be assessed transparently. Statements about the cost of MCS registration do not establish that a new universal labelling duty would impose negligible costs.[31]	
Regulation 13(1) to (3), MCS claims and the Egg Regulations (GN R. 345 of 2020)	ALRSA proposes the following: 1. Insert in Regulation 13: "*Compliance with a registered Management Control System does not exempt any person from the requirements of sub-regulation (1).*" 2. Review regulation 13(2) and (3) together with the proposed MCS claims. Regulation 13(3) concerns claims about the absence of a substance that does not normally occur in poultry meat; it is not a blanket ban on all absence claims. A claim about a farming practice, such as "no routine antibiotics", is also distinct from a claim that meat contains no antibiotic residues. Any amendment should distinguish these concepts and permit only truthful, substantiated claims that do not imply a special benefit where all lawful poultry production shares the relevant characteristic. Registration must not automatically override these safeguards. 3. Amend the Regulations Regarding the Grading, Packing and Marking of Eggs Intended for Sale in the Republic of South Africa made under the APSA and published in Government Gazette No. 43108 under Notice R. 345 on 20 March 2020	The Department should explain how registered claims are intended to operate alongside the existing product-specific prohibitions. A potential conflict should be assessed claim by claim, rather than assuming that every registered MCS claim is prohibited or that registration automatically prevails. ALRSA raised related concerns about the Egg Regulations in the Open Letter of 20 August 2026. Any narrowly drafted exception should remain subject to regulation 13(1), applicable consumer-protection law and effective substantiation. This would preserve protection against misleading words or	

[31] Department of Agriculture: https://www.nda.gov.za/index.php/publication/623-management-control-systems-mcs.

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	("Egg Regulations") at the same time, as requested in request 4 of the Open Letter, to address any equivalent inconsistency for eggs through the appropriate consultation process. Annexure E concerns both eggs and poultry meat.	imagery without treating MCS registration as a safe harbour.	