SUBMISSION

THE NATIONAL CONSUMER COMMISSION'S DRAFT GUIDELINES ON PRODUCT DESCRIPTIONS, LABELLING, ISSUANCE OF SALES RECORDS, AND PRICE DISCLOSURE REQUIREMENTS



2 NOVEMBER 2026

ANIMAL LAW REFORM
SOUTH AFRICA

TO: The National Consumer Commission ("**NCC**" / "**Commission**")
ATT: Mr Hardin Ratshisusu, Acting Commissioner of the NCC
ATT: Mr Jabulani Mbeje and Ms Ntsako Ngobeni
Per e-mail: J.Mbeje@thencc.org.za; n.ngobeni@thencc.org.za

2 November 2026

Dear Representatives for the NCC,

RE: ALRSA'S SUBMISSION IN RESPECT OF THE DRAFT GUIDELINES ON PRODUCT DESCRIPTIONS, LABELLING, ISSUANCE OF SALES RECORDS, AND PRICE DISCLOSURE REQUIREMENTS (NOTICE NO. 7922 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 Guidelines on Product Descriptions, Labelling, Issuance of Sales Records, and Price Disclosure Requirements ("**Draft Guidelines**") published for public comment in Government Gazette No. 55406, under Notice No. 7922 of 18 September 2026.[2]

We welcome the opportunity to comment on the Draft Guidelines and support the NCC's efforts to improve compliance with the Consumer Protection Act 68 of 2008 ("**CPA**").

This Submission focuses primarily on the Draft Guidelines' treatment of (potentially misleading) product descriptions, labelling and marketing, with particular attention to animal-sourced foods ("**ASFs**"). We address, among others, the importance of accurate production-method information and safeguards against misleading animal-welfare and sustainability claims.

I. A NOTE ON THE SCOPE OF THIS SUBMISSION

ALRSA is a small non-profit organisation with limited capacity. This Submission is therefore confined to our priority concerns and does not constitute a clause-by-clause review of the Draft Guidelines. Our silence on / non-engagement with any provision, including those concerning price disclosure and sales records, should not be interpreted as agreement or disagreement with it. We reserve the right to supplement our comments and would welcome further engagement with the NCC in respect of this Submission.

II. 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

[1] ALRSA Website: https://www.animallawreform.org/.
[2] South African Government: https://www.gov.za/sites/default/files/gcis_document/202609/55406rg12049gon7922.pdf.

& 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.

ALRSA has a direct interest in the Draft Guidelines because our work includes food-system reform and strengthening transparency and accountability among corporate, industry and regulatory stakeholders. We are particularly concerned with the relationship between consumer information, animal production methods, and the environmental and social impacts of food production.

We have, for years, consistently expressed interest in issues involving animals, humans, and the environment to various stakeholders including the Department of Agriculture ("**DoA**"), the Department of Forestry, Fisheries and the Environment ("**DFFE**"), the National Agricultural Marketing Council ("**NAMC**"), the Competition Commission, the Consumer Goods Council of South Africa ("**CGCSA**"), the Advertising Regulatory Board ("**ARB**"), the South African Human Rights Commission ("**SAHRC**"), the South African Bureau of Standards ("**SABS**"), 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.

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

At this juncture, we would like to draw your attention to previous submissions, initiatives and research by ALRSA, which directly or indirectly implicate issues relating to / matters contemplated in the Draft Guidelines.

A. SAHRC's National Investigative Hearing into South African Food Systems and related research

In 2026, ALRSA actively participated in the SAHRC's National Investigative Hearing into South African Food Systems and Violations of the Right to Food, including an initial written submission in February 2026;[3]

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

oral submissions in March 2026;[4] and a supplementary written submission in April 2026.[5] In these submissions to the SAHRC, ALRSA maintains that South Africa's food crisis is a structural governance and rights failure rather than a problem of food scarcity. Our submissions frame the right to food as indivisible from dignity, health, water, environmental protection which includes animal protection, and access to information, among others, and call for inclusive, intersectional food-system reform - a "just transition" - that protects vulnerable people, animals, and the broader environment.

Our submissions highlighted the interconnectedness of human rights, animal protection and environmental sustainability, emphasising stakeholder accountability, transparency and informed consumer choice (among others).

Of particular relevance to the NCC's Draft Guidelines, ALRSA has advocated for **mandatory, standardised disclosures of animal production methods and conditions on food packaging and labels, alongside environmental-impact information, to address information asymmetries and enable informed purchasing decisions**. ALRSA further stressed that **labelling standards must require verifiable claims and independent monitoring to prevent misleading representations**, including "humane-washing" and "greenwashing" (among other forms of "washing").

Additionally, in 2022, ALRSA undertook detailed research (including desktop and empirical research) into the South African food system (with a focus on animal protection and animal law issues) and set out several recommendations. In this regard, we wish to draw your attention to, ALRSA's:

a. **Working Paper** titled "*Barriers to the Transformation of South Africa's Food System: Can the Law be a Lever for Change?*" (published on 18 July 2022).

b. **White Paper** titled "*Sowing the Seeds of Change: Towards a More Just and Inclusive Food System in South Africa*" (published on 16 October 2022).[6]

B. (Selected) Engagements concerning the egg industry

Over several years, ALRSA has, together with other organisations, engaged with egg-industry stakeholders on animal welfare, production practices, transparency and accountability, as well as related environmental,

[4] YouTube livestream of ALRSA's oral submissions to the SAHRC: https://www.youtube.com/watch?v=8judQzv3wQs&t=1s.
[5] ALRSA: https://animallawreform.org/wp-content/uploads/2026/04/ALRSA-SAHRC-Supplementary-Submission-10-April-2026.pdf.
[6] Animal Law Reform South Africa, 2022. White Paper: Sowing the Seeds of Change: Towards a More Just and Inclusive Food System in South Africa. Makonese, Makanatsa*, Muchadeyi, Farai*, and Wilson, Amy P*. Available at: https://www.animallawreform.org/wp-content/uploads/2022/10/White-Paper-Food-Systems.pdf. ("White Paper").

consumer and worker concerns. These engagements have included:

a. The "*Eggsposure*" campaign

On 27 February 2025, ALRSA and 23 other African organisations wrote to the CGCSA as part of a campaign led by ALRSA and the Southern African Faith Communities' Environment Institute ("**SAFCEI**") called "***Eggsposure***", about the withholding of an industry-funded study which ostensibly found that South Africa is not ready to transition to cage-free egg production, the discouragement of engagement with civil society, and threats of legal action against those raising animal protection concerns (among others).[7]

b. Draft African standard on laying hens

In January 2026, ALRSA and 34 other African organisations wrote to the African Organisation for Standardisation ("**ARSO**") and 44 of its member countries' standards authorities, objecting to a draft standard that promoted battery cages as essential and claimed they "guarantee the welfare of birds".[8]

c. The DoA's Methods of Production consultation

On 20 August 2026, ALRSA submitted comments to the DoA 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**").[9] 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**").[10]

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[7] An Open Letter to the Consumer Goods Council of South Africa ("CGCSA"): Eggsposing Foul Play in South Africa's Egg Industry (27 February 2025): https://drive.google.com/file/d/1a47OamnuZZ6Uhz4JqYhu17xAZH-N9lap/view?usp=sharing.

[8] Joint Letter to the African Organisation for Standardisation and African Country Standards Authorities Regarding Draft 'Laying Battery Cages For Chicken - Specification' Standards (January 2026): https://animallawreform.org/wp-content/uploads/2026/01/Updated-Letter-Regarding-ARSO-Draft-Battery-Cage-Standards-27.01.2026.pdf .

[9] 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).

[10] 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.

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 Draft Guidelines.

d. *Degglaration* and recent Open Letter

On 9 October 2026 (World Egg Day), ALRSA and other civil society organisations submitted a ***Degglaration***, accompanied by an **Open Letter to various stakeholders in South Africa's egg industry**, including the NCC, supported by 24 African organisations in total.[11]

Developed through collective deliberations, the ***Degglaration*** sets out shared principles for transforming the food system, recognising animal sentience and intrinsic value, interconnected justice for animals, people and the environment, transparency and accountability, social justice, inclusivity, and sustainability. The accompanying Open Letter translates these principles into nine joint demands directed at government departments and regulators, standard-setting authorities, industry associations, self-regulatory bodies and private-sector businesses across the egg supply chain.

These demands address, among other things, mandatory production-method disclosure, a legally enforceable phase-out of battery cages (one of several cruel forms of animal confinement to produce animal 'products'), stronger animal-welfare protections throughout hens' lives, an end to the routine killing of male chicks, transparency around industry-funded research, competition and corporate concentration, misleading welfare and sustainability claims, worker and environmental protection, and meaningful accountability and enforcement. The open letter also calls on the relevant stakeholders to provide written responses by **9 November 2026**.

e. The Competition Commission's Poultry Market Inquiry

ALRSA has also engaged the Competition Commission in relation to its Poultry Market Inquiry[12] and has expressed interest in participating and/or providing support to the process.

[11] ALRSA, World Egg Day Degglaration and Open Letter, 9 October 2026: https://animallawreform.org/wp-content/uploads/2026/10/World-Egg-Day-Degglaration-and-Open-Letter-9-October-2026.pdf.

[12] Competition Commission Poultry Market Inquiry Terms of Reference (2025): https://www.gov.za/sites/default/files/gcis_document/202510/53445gon6687.pdf.

f. ALRSA's egg industry reports

ALRSA has also conducted extensive (and ongoing) research into the South African egg (and poultry) industry, publishing two comprehensive reports which cover a wide range of issues such as corporate accountability and transparency (and the lack thereof) within the industry, and across the food system.

- The first is titled "Laying Down the Facts" (2023)[13]. **Please see specifically the 17 Recommendations from page 260 onwards.**
- The second is titled "Scrambling for the Truth" (2024)[14] and contains **13 Main Recommendations from page 225 onwards.**

C. (Selected) Other notable submissions by ALRSA

Below is a list of (selected) submissions by ALRSA to various stakeholders which bear reference to the Draft Guidelines and matters dealt with within them:

1. National Treasury: Draft General Public Procurement Regulations in terms of Section 63(1) of the Public Procurement Act 28 of 2024 (18 July 2026);[15]
2. Draft SANS 1369ED2 Organic agriculture production and processing (17 June 2026);
3. Draft SANS 22373 ED1 Security and resilience - Authenticity, integrity and trust for products and documents - Framework for establishing trustworthy supply chains (1 April 2026);
4. Department of Transport: Proposed Amendments to the Second Schedule of the Merchant Shipping Act 57 of 1951 (29 March 2026);[16]
5. Draft SATS 17033:20xx Ed 1 - Ethical claims and supporting information - Principles and Requirements Submission (18 February 2026);
6. African Organisation for Standardisation ("**ARSO**"): CD-ARS 1241- Laying battery cages for chicken Submission (29 January 2026);
7. NAMC: Submission in Respect of the Request for the Continuation of Statutory Measures Relating

[13] Animal Law Reform South Africa, Laying Down the Facts (August 2023 (v1) updated September 2024 (v2) and February 2025 (v3)). Available at: https://www.animallawreform.org/wp-content/uploads/2025/02/Laying-Down-The-Facts-Report-V3.pdf. Amy P. Wilson and Cheslyn Ceaser. ("Laying Down the Facts").
[14] Animal Law Reform South Africa, Scrambling for the Truth: Corporate Hypocrisy and Non-Transparency Relating to Environmental and Consumer Rights in the Egg Industry in South Africa (September 2024, updated in February 2025). Wilson AP, Tafani-du Preez M, Ceaser CC and Murcott MJ. Available at: www.eggssouthafrica.org.("Scrambling for the Truth").
[15] ALRSA: https://animallawreform.org/wp-content/uploads/2026/08/ALRSA-Submission-Draft-Public-Procurement-Regulations.pdf.
[16] ALRSA: https://animallawreform.org/wp-content/uploads/2026/04/ALRSA-Submission-Proposed-Amendments-to-Second-Schedule-of-Merchant-Shipping-Act.pdf.

to Levies, Registrations and Records and Returns on Table Eggs in Terms of The Marketing of Agricultural Products Act (submitted on 5 December 2025); [17]

8. Animals Protection Act 71 of 1962, Draft Regulations for the Exportation of Live Animals By Sea (submitted on 25 August 2025);[18]
9. Draft Rabbit Meat Regulations to be Published Under the Meat Safety Act No. 40 of 2000 (submitted on 27 May 2025);[19]
10. 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 Act 119 of 1990 (submitted on 11 February 2025);[20]
11. Joint Letter of objection [ALRSA and ProVeg] in respect of the request for comments circulated by the DoA 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);[21]
12. 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);
13. Submission relating to Plant-Based Foods and Meat Analogues: Amendment Regulations for Processed Meat And Certain Raw Processed Meat Products (submitted 11 October 2024);
14. Regulation Regarding the Classification, Packing and Marking of Processed Meat and Certain Raw Processed Meat Products Intended for Sale (17 May 2024);[22]
15. Department of Health: Draft Regulations Regarding the Labelling and Advertising of Foodstuffs Under the Foodstuffs, Cosmetics and Disinfectants Act (21 September 2023);[23]

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

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

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

[20] ALRSA: https://animallawreform.org/wp-content/uploads/2025/03/ALRSA-Submission-Draft-Regulation-for-Meat-Analogues.pdf.

[21] ALRSA: https://www.animallawreform.org/wp-content/uploads/2025/03/ProVeg-ALRSA-Letter-to-DALRRD-1.pdf.

[22] ALRSA: https://www.animallawreform.org/wp-content/uploads/2025/03/ALRSA-Processed-Meat-Regulations-Submission-May-2024.pdf.

[23] ALRSA: https://www.animallawreform.org/wp-content/uploads/2023/11/ALRSA-Submission-Draft-Regulations-Food-Labeling-and-Advertising.pdf.

16. Meat Safety Act 40 of 2000 Exemption (submitted 23 November 2022);[24]
17. Letter Response to the Department of Agriculture, Land Reform and Rural Development's Communique to the Stakeholders of meat analogue products (30 June 2022);[25]
18. Draft Guidelines for the transportation of Live Animals by Sea (submitted 30 April 2021);[26]
19. Draft SANS 1758: Code for Chicken Welfare (April 2021);
20. Proposed Amendments to the Meat Safety Act 40 of 2000 (submitted 30 June 2020);[27]
21. Draft Regulations Relating to Farm Feeds in terms of Fertilizer, Farm Feeds, Agricultural Remedies and Stock Remedies Act (submitted 19 April 2019); and[28]
22. Draft Regulations regarding the Grading, Packing and Marking of Eggs intended for Sale in the Republic of South Africa (submitted 1 July 2019).[29]

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

IV. ALRSA'S (SELECTED) COMMENTS AND RECOMMENDATIONS TO THE NCC

A. The purpose of the Guidelines should include meaningful and accessible consumer information

The CPA seeks to promote informed consumer choice, improve consumer awareness and information, and protect consumers against deceptive and misleading conduct. These objectives extend beyond providing basic information about a product's price, quantity or ingredients. Consumers may also consider a product's origin, production methods and other characteristics when making purchasing decisions.

This is particularly relevant to food products, including ASFs, where production practices may have implications for animal welfare, the environment and people working throughout the supply chain, among others. Consumers may attach importance to these matters for reasons including their health needs, cultural or religious beliefs, ethical convictions and personal circumstances.

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[24] ALRSA: https://www.animallawreform.org/wp-content/uploads/2023/01/ALRSA-Meat-Safety-Act-Submission.pdf.
[25] ALRSA: https://www.animallawreform.org/wp-content/uploads/2022/07/Joint-Response-to-Communique.pdf.
[26] ALRSA: https://www.animallawreform.org/wp-content/uploads/2021/05/Live-Export-Submission-ALRSA-CALS-1.pdf.
[27] ALRSA: https://www.animallawreform.org/wp-content/uploads/2020/07/ALRSA-and-EMS-Meat-Safety-Act-Comments.pdf.
[28] ALRSA: https://www.animallawreform.org/wp-content/uploads/2019/08/12.-ALRSA-Comments-Feed-and-Pet-Feed.pdf.
[29] ALRSA: https://www.animallawreform.org/wp-content/uploads/2019/08/13.-ALRSA-Comments-on-Egg-Labeling-Standards.pdf.

The constitutional framework provides further context for the importance of environmental protection, which includes animal protection as confirmed by our courts,[30] as well as access to information, dignity, equality, freedom of conscience and belief, and access to sufficient food. Relevant provisions include sections 9, 10, 15, 24, 27 and 32 of the Constitution. These provisions (should) inform the broader context in which consumer information, food systems and accountability should be considered.

Information must also be accessible and understandable. The CPA recognises that consumers may experience particular disadvantages because of low literacy, visual impairment or limited fluency in the language in which information is presented. Information that is technically available but not meaningfully accessible to *all* consumers may not enable informed choice.

At the same time, transparency and consumer information are not substitutes for adequate and legally binding standards, regulatory oversight or enforcement. Nor should responsibility for addressing systemic harms be transferred to consumers alone. Government and relevant stakeholders retain responsibility for establishing, complying with and enforcing appropriate protections.

Recommendation: Amend paragraph 3 to make clear that the Draft Guidelines aim to promote informed consumer choice through information that is accurate, accessible and understandable; address information asymmetries; and guard against misleading or incomplete representations concerning material product characteristics.

B. Clarify the non-binding status and scope of the Guidelines

Paragraph 11 states that the Draft Guidelines are not binding on the NCC, the National Consumer Tribunal or the courts. The CPA nevertheless provides for the NCC to issue explanatory notices containing its non-binding opinion on the interpretation of the CPA under section 96(b)(i). Section 22(3) separately empowers the NCC to publish guidelines concerning methods of assessing compliance with the plain-language requirements of section 22(1)(b).

The Draft Guidelines should clearly explain their legal basis, scope and relationship with the CPA. In particular, they should not inadvertently narrow or obscure consumer rights and/or supplier obligations established by the CPA.

This is important because paragraph 11 indicates that the Guidelines will set out the general methodology followed by the NCC in assessing compliance with sections 22, 23, 24, 26 and 29 of the CPA. However, the

[30] National Society for the Prevention of Cruelty to Animals v Minister of Justice and Constitutional Development and Another (CCT1/16) [2016] ZACC 46; 2017 (1) SACR 284 (CC); 2017 (4) BCLR 517 (CC) (8 December 2016): https://www.saflii.org/za/cases/ZACC/2016/46.html.

substantive guidance does not adequately address the broader application of sections 4, 29 and 41, which are relevant to misleading representations and marketing.

Recommendation: Building on paragraph 1.3, clarify that the Guidelines are not an exhaustive account of the CPA and do not replace or limit the Act or other applicable legislation, and do not prevent the NCC from investigating potential contraventions of other relevant CPA provisions, including sections 4(5), 24, 29 and 41. The NCC should also clarify the legal basis and intended operation of the statement that persons interpreting or applying the CPA must take the Guidelines into account, having regard to their expressly non-binding nature.

C. Provide substantive guidance on misleading marketing and material omissions

Although paragraph 2.3 identifies section 29 of the CPA as relevant to the NCC's monitoring activities, the Draft Guidelines provide little substantive guidance on its application or its relationship with section 41.

Section 29 prohibits misleading, fraudulent or deceptive marketing. Section 41 prohibits false, misleading or deceptive representations concerning material facts, including through exaggeration, innuendo or ambiguity, and the failure to disclose a material fact where that failure amounts to deception.

Misleading representations may arise from the overall impression created by a product's words, imagery, symbols, branding, certifications and other marketing communications - not only from express written statements. A technically accurate statement may also create a misleading impression when considered alongside material information that has been omitted.

This is particularly relevant to ASF products. A supplier might promote a particular animal-welfare attribute while omitting other production practices that materially undermine the impression conveyed. For example, information about animal slaughter practices may, in appropriate circumstances, be relevant to assessing a broad claim that a product meets high animal-welfare standards. This does not mean that every production practice must always be disclosed or that any particular practice automatically renders a claim unlawful. The assessment must depend on the materiality of the information, the overall representation and whether the omission amounts to deception.

Section 4(5)(c) of the CPA is also relevant, as it prohibits representations unless the person making them has reasonable grounds for believing them to be true.

Recommendation: Include a dedicated section addressing sections 29 and 41, explaining how the overall impression of a marketing communication is assessed, including implied claims, imagery, branding, certifications and material omissions. The guidance should also address the need for reasonable grounds and reliable evidence to substantiate material claims.

D. Address animal-welfare and sustainability-related claims, including misleading terminology and imagery

ASF marketing increasingly sees stakeholders like retailers make use of animal-welfare, ethical and sustainability-related claims to market food products. These may include terms such as "humane", "ethical", "responsibly farmed" and "natural", as well as imagery depicting animals outdoors or in apparently natural environments.

Unless such claims are clear and supported by reliable evidence, they may create impressions that do not reflect the actual conditions or practices associated with the product. This can occur through vague or undefined terminology, selective disclosure of positive practices, imagery that implies access to outdoor environments, or references to certifications and industry standards that do not substantiate the impression conveyed.

In our supplementary report on the egg industry, ***Scrambling for the Truth***, ALRSA describes "humane-washing" as the use of false, misleading or exaggerated claims about the treatment of animals or the conditions in which they are born, raised, transported or killed, creating an impression that they are treated compassionately or ethically.[31] Such claims may appear in words, illustrations, logos and other visual communications.[32] The report similarly describes "greenwashing" as false, misleading or exaggerated claims about the environmental impact of a company, industry, product or service.[33]

The Draft Guidelines should address these forms of marketing in practical terms. In particular, a claim should be assessed against the actual characteristics and production practices of the product, rather than solely against the supplier's chosen terminology or its own interpretation of a welfare or sustainability standard.

Recommendation: Expand paragraph 7.4(iv) of the Draft Guidelines to include examples of vague or undefined animal-welfare and sustainability terminology, misleading imagery and claims based on certifications or industry standards. Clarify that such representations must be assessed in their full context and supported by reliable, relevant and verifiable evidence.

E. Recognise production methods as relevant to trade descriptions and consumer choice

The CPA defines a "trade description" to include the mode of manufacturing or producing goods. Section 24(4) further empowers the Minister of Trade, Industry and Competition to prescribe categories of goods that must bear trade descriptions and the information to be included in those descriptions.

[31] ALRSA: https://www.animallawreform.org/wp-content/uploads/2025/02/Scrambling-for-the-Truth-V2.pdf.
[32] As above.
[33] As above.

Production methods can be material to consumer decisions, particularly in relation to ASFs. Products such as eggs, meat and dairy may appear similar at the point of sale while originating from substantially different production systems. For example, consumers cannot always distinguish between eggs produced by hens kept in cruel battery cages ("caged eggs") and eggs produced in "free-range" or "barn" systems by examining the egg packaging or labelling themselves as that information is often omitted from labelling.

In the absence of meaningful production-method information, consumers may be unable to identify these differences or assess marketing claims about the conditions in which animals were kept. Production methods should therefore not be excluded from consideration when assessing the accuracy and completeness of product descriptions.

ALRSA supports mandatory, standardised production-method disclosure for ASFs, subject to appropriate definitions, evidence requirements, monitoring and enforcement. We recognise, however, that the Draft Guidelines cannot themselves create a universal mandatory labelling requirement where the CPA provides for the Minister of Trade, Industry and Competition to prescribe the relevant categories of goods and information.

Recommendation: Use the full statutory definition of "trade description" in paragraph 5.2, including the express reference to the mode of manufacturing or producing goods, and clarify in paragraph 7.2 that production methods may form part of a trade description. The NCC should also engage the Minister of Trade, Industry and Competition, the DoA and other relevant stakeholders including civil society organisations, on the appropriate statutory and regulatory mechanisms for mandatory, standardised and verifiable production-method disclosure for ASFs, taking account of the ongoing Methods of Production process of the DoA and other applicable agricultural product standards.

F. Extend monitoring and accountability requirements across the supply chain

Paragraph 2.2 describes monitoring inspections conducted between July 2024 and March 2026, identifying non-compliance particularly among spaza shops and other small retailers. Footnote 1 to paragraph 2.4 records that at least 145 compliance notices were issued. Paragraph 4 expressly extends the Draft Guidelines to suppliers across the supply chain. We recommend that the monitoring guidance in paragraph 10 give practical effect to that broad scope, including the role and accountability of larger retailers, brand owners, producers and other significant supply-chain participants.

These entities may exercise considerable influence over product descriptions, labelling, marketing and the information ultimately presented to consumers. Food products pass through complex supply chains involving producers, importers, processors, distributors, brand owners and retailers, each of whom may contribute to the claims and representations on which consumers rely.

In the case of ASFs, information about production methods often originates with producers but is subsequently communicated, adapted or omitted by other supply-chain participants. Retailers, restaurants, and brand owners (among others) may also develop or adopt their own welfare, ethical and sustainability claims.

The CPA recognises the roles of different supply-chain participants. Section 29 applies to producers, importers, distributors, retailers and service providers, while section 24(3) imposes particular obligations on retailers in relation to misleading trade descriptions. This does not mean that every participant is automatically liable for every representation made by another entity. Responsibility must be assessed in accordance with the relevant statutory provision, the person's role and conduct, and the circumstances of the case.

Recommendation: Extend proactive monitoring beyond smaller retailers to include major retailers, producers, importers, distributors and brand owners, particularly in relation to own-brand products, private-label claims and animal-welfare, production-method and sustainability representations. Where appropriate, publish monitoring outcomes and enforcement actions to promote accountability.

G. Recognise public-interest complaints and civil-society participation

Section 71(1) permits any person to lodge a complaint with the NCC in the prescribed manner and form, alleging conduct that is inconsistent with the CPA. Section 71(2) also provides for NCC-initiated complaints on its own motion, at the Minister's direction, or at the request of specified regulatory authorities or an accredited consumer protection group.

Civil-society organisations can assist in identifying systemic or industry-wide practices through research, monitoring and the submission of evidence. This is particularly relevant where misleading claims or information gaps occur across a sector or supply chain.

Recommendation: The Draft Guidelines should acknowledge the role of public-interest and civil-society engagement and complaints, including complaints concerning systemic misleading marketing and production-method, animal-welfare or sustainability claims. The guidance should accurately reflect the relevant procedures and requirements under sections 71 and 4(1)(d) of the CPA, without conflating the ability to lodge a complaint with the separate requirements governing public-interest proceedings.

H. (Selected) suggestions regarding correcting drafting and substantive inconsistencies

We recommend that the NCC address the following matters before finalising the Guidelines:

a. Correct the reference to "Act No. 6 of 2008" in the publication notice to "Act No. 68 of 2008".
b. Correct the duplicated numbering in paragraph 2.3 and the incorrect or inconsistent subparagraph

numbering in paragraphs 3 and 9.2.

c. Reconsider paragraph 13, which provides for the Guidelines to become effective upon publication despite their draft status, and clarify the effective date of the final Guidelines.
d. Reconcile paragraphs 5.1 and 5.2 to ensure consistency with the statutory definitions in the CPA.
e. Clarify the respective legal bases under sections 96(b)(i) and 22(3), particularly given the latter's specific focus on plain-language compliance.
f. Clarify paragraph 11 to reflect the non-binding nature of the Guidelines and confirm that they do not limit the application of other relevant CPA provisions.
g. Review paragraphs 10.1 and 10.2 to clarify that enforcement concerns contraventions of the CPA, rather than mere departures from non-binding guidance. Identify the applicable statutory powers and procedures: administrative fines are imposed by the Tribunal under section 112, while compulsory product recalls under section 60(2) depend on the specified safety-related grounds and statutory conditions. These measures should not be presented as general sanctions for every labelling or disclosure breach.

CONCLUDING REMARKS

ALRSA welcomes the NCC's efforts to improve consumer information and compliance with the CPA. We respectfully request that the NCC consider the recommendations in this submission, together with the 20 August Submission to the DoA and the accompanying Open Letter, which are incorporated by reference.

We hope that the final Guidelines will provide clear and practical guidance on misleading and incomplete product information, including representations concerning animal-welfare and production methods. We would welcome the opportunity to engage further with the NCC on the issues raised.

We look forward to receiving a response to our Submission and are available to engage on any queries, comments, or concerns the Commission 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, and paulaknipe@animallawreform.org.

Yours sincerely,



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