

# Appendix I

## Pet-food advertising

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### 1. Legal requirements

- 1.1 All pet food products must comply with all legal requirements, including but not limited to—
  - 1.1.1 registration in terms of the Fertilizers, Farm Feeds, Agricultural Remedies and Stock Remedies Act 36 of 1947 (“the Act”);
  - 1.1.2 nutritional and manufacturing requirements in terms of SANS 909:2018 (“the Standard”).

### 2. Definitions and terms

- 2.1 Terms employed in this appendix are consistent in meaning with equivalent terms as is defined in terms of SANS 909:2018 and the Code, unless expressly defined hereunder—
  - 2.1.1 **“all life stages”**: gestation, lactation, weaning, growth, adult and senior life stages of an animal;
  - 2.1.2 **“carrier”**: a substance used to dissolve, dilute, disperse or otherwise physically modify a pet food additive in order to facilitate its handling, application or use without altering its technological function and without exerting any technological effect themselves;
  - 2.1.3 **“complementary pet food”**: a pet food which is either a treat or is a fresh, frozen or canned meat or fish product that does not meet all the daily feeding requirements of a pet animal;
  - 2.1.4 **“complete pet food”**: a pet food which contains all the necessary nutrients in the correct amounts and proportions for a given physiological need of the pet as established by a recognised authority in pet nutrition and which meets the total daily requirements of a pet animal as specified by these guidelines;
  - 2.1.5 **“compound pet food”**: means a mixture of at least two raw materials, whether or not containing pet food additives, for oral animal feeding in the form of complete or complementary pet food;
  - 2.1.6 **“dry pet food”**: pet food with a moisture content of 14% or less;

- 2.1.7 **"family"**: means a group of products which are nutritionally adequate for any or all life stages based on their nutritional similarity to a lead product the nutritional adequacy of which has been substantiated;
- 2.1.8 **"fresh meat"**: not preserved by salting, canning or dehydrating;
- 2.1.9 **"fresh"**: other: newly made, produced or gathered/harvested; not stale; not preserved through the use of preservatives;
- 2.1.10 **"immediate container"**: means, in relation to a pet food, a container which is in direct contact with the pet food. Hereinafter, in these guidelines, the word **"container"** shall have a corresponding meaning to **"immediate container"**;
- 2.1.11 **"ingredient statement"**: means a collective and contiguous listing on the label of the ingredients of which the pet food is composed;
- 2.1.12 **"label"**: when used as a noun, means any written, printed or graphic representation attached to an immediate container of a pet food or produced on an immediate container in any possible manner and which states the details required in terms of these guidelines for the particular pet food contained therein;
- 2.1.13 **"labelling"**: means all labels and other written, printed or graphic matter on pet food or any of its containers or wrappers or accompanying such pet food;
- 2.1.14 **"moist pet food"/"wet pet food"**: pet food with a moisture content of 60% or more;
- 2.1.15 **"nutrition claim"**: any claim which states, suggests or implies that a pet food has particular beneficial nutritional properties due to:
- 2.1.15.1 the energy (calorific value) it—
    - 2.1.15.1.1 provides at a reduced or increased rate, or
    - 2.1.15.1.2 does not provide, and/or
  - 2.1.15.2 the nutrients or other substances it—
    - 2.1.15.2.1 contains,
    - 2.1.15.2.2 contains in reduced or increased proportions, or
    - 2.1.15.2.3 does not contain;
- 2.1.16 **"natural"**: a pet food or ingredient derived solely from plant, animal or mined sources, either in its unprocessed state or having been subject to physical processing, heat processing, rendering, purification, extraction, hydrolysis, enzymolysis, or fermentation, but not having been produced by or subject to a chemical synthetic process and not containing any additives or processing aids that are chemically synthetic except in amounts as might occur unavoidably in good manufacturing practices;
- 2.1.17 **"nutrient"**: a substance which conveys nourishment to an animal;
- 2.1.18 **"particular nutritional purpose"**: the purpose of satisfying the specific nutritional needs of certain pets whose process of assimilation, absorption or metabolism could be temporarily impaired or is temporarily or irreversibly impaired and are, therefore, able to derive benefit from ingestion of pet foods appropriate to their condition.

The term "dietetic pet food" shall have the same meaning as "particular nutritional purpose", and may be used interchangeably;

- 2.1.19 **"pet animal"**: an animal belonging to a species normally nourished and kept, but not consumed, by humans, except an animal bred for fur;
- 2.1.20 **"pet food"**: any product intended for oral feeding to pet animals whether processed, partially processed or unprocessed, including dog chews, and raw materials;
- 2.1.21 **"pet food additives"**: substances, micro-organisms or preparations, other than raw material and pre-mixtures, which are intentionally added to pet food or water in order to perform, in particular, one or more of the following functions:
- 2.1.21.1 favourably affect characteristics of pet food;
  - 2.1.21.2 favourably affect characteristics of animal products;
  - 2.1.21.3 favourably affect the colour of ornamental fish and birds;
  - 2.1.21.4 satisfy the nutritional needs of animals;
  - 2.1.21.5 favourably affect the environmental consequences of animal production;
  - 2.1.21.6 favourably affect animal production, performance or welfare, particularly by affecting the gastro-intestinal flora or digestibility of feeding stuffs;
  - 2.1.21.7 have a histomonostatic effect;
- 2.1.22 **"pet food ingredient"**: a product of vegetable or animal origin, in its natural state, fresh or preserved, and a product derived from the industrial processing thereof, and an organic or inorganic substance, whether or not containing additives, which is intended for use in oral animal pet food, either directly as such or after processing, in the preparation of animal pet food or as a carrier of premixtures. Pet food ingredient has the same meaning as ingredient, raw material, feedstuff or any words of similar connotation;
- 2.1.23 **"pre-mixtures"**: mixtures of pet food additives or mixtures of one or more pet food additives with raw materials or water used as carriers, not intended for direct feeding to animals;
- 2.1.24 **"processing aids"**: any substance not consumed as a food or pet food component by itself, intentionally used in the processing of raw materials, food or their ingredients/components, to fulfil a certain technological purpose during treatment or processing and which may result in the unintentional but technically unavoidable presence of residues of the substance or its derivatives in the final product, provided that these residues do not present any health risk and do not have any technological effect on the finished product;
- 2.1.25 **"raw materials"**: products of vegetable or animal origin, whose principal objective is to meet animals nutritional needs, in their natural state, fresh or preserved, products derived from the industrial processing thereof, products that are sources of macro minerals, and organic or inorganic substances, whether or not containing pet food additives, which are intended for use in oral animal feeding either directly as such, or after processing, or as carrier of pre-mixtures;
- 2.1.26 **"real meat"**: means the soft substance of an animal body consisting predominantly of muscle and fat and this claim must be substantiated;
- 2.1.27 **"registration holder"**: the juristic person to whom the Registrar has issued a certificate of registration;

- 2.1.28 **"registration number"**: the number given by the Registrar once a product has been registered and under which a product may be sold;
- 2.1.29 **"sell"** and **"sold"**: shall have the same meaning as **"sell"** as defined in the Act;
- 2.1.30 **"semi-moist pet food"**: pet food with a moisture content of 14% or more and less than 60%;
- 2.1.31 **"the Act"**: the Fertilizers, Farm Feeds, Agricultural Remedies and Stock Remedies Act, 1947 (Act 36 of 1947);
- 2.1.32 **"the Department"**: the Department of Agriculture, Forestry and Fisheries in the Republic of South Africa;
- 2.1.33 **"treat"**: when used as a noun, means a complementary pet food product that is intended by the manufacturer to be fed to cover less than 15% of the daily energy intake of the animal for which it is intended.

### 3. Product name

- 3.1 When used as part of a pet food name or statement of identity, the name of a specific ingredient must not create the impression that there is a greater proportion of that ingredient than is actually contained in the product.
- 3.2 Terms such as *"burger"*, *"chunk"*, *"patty"*, *"cubes"*, *"meatballs"*, *"rissoles"*, *"croquettes"*, *"slice"* or any other similar terms must not be used to describe a product or an ingredient thereof which does not have substantially the shape, form or composition so represented when it is sold to the retail purchaser.

### 4. Misleading claims

- 4.1 Pet food advertising must not bear a statement of identity, a vignette, graphic, or any other representation, pictorial or otherwise, that could likely mislead or deceive consumers with respect to the composition, form, suitability, quality, flavour, performance, method of manufacture or intended use of the product or any of its ingredients.
- 4.2 Advertising of pet food shall not mislead consumers—
  - 4.2.1 as to the intended use or characteristics of the pet food, in particular, the nature, method of manufacture or production, properties;
  - 4.2.2 by attributing to the pet food effects or characteristics that it does not possess or by suggesting that it possesses special characteristics when in fact all similar pet foods possess such characteristics;
  - 4.2.3 if, despite the representation being literally true, it is likely to be misinterpreted by consumers or is misleading through the omission of relevant facts.
- 4.3 *"Authentic"*, *"real"*, *"true"*, *"genuine"*, etc.
  - 4.3.1 The use of terms such as *"authentic"* and related terms like *"real"*, *"genuine"*, *"true"*, etc. should only be used in the following circumstances:
    - 4.3.1.1 to emphasise the geographic origin of a product, for example where it might be confused with other products of the same name that do not originate from that location, provided that the product has the characteristics traditionally associated with the product from that geographic origin;

- 4.3.1.2 to describe the recipe used to make a product, the origin of which is specified;
- 4.3.1.3 to emphasise the purity of single varieties of component(s) where such purity is essential to deliver specific characteristics.
- 4.3.2 The use of terms such as "*authentic*" and related terms like "*real*", "*genuine*", "*true*", etc. should not be used to mislead consumers.
- 4.3.3 A claim, if based on a pre-existing but previously undisclosed aspect, shall be presented in a manner that does not lead consumers to believe that the representation is based on a new process or product modification.
- 4.4 "*Fresh*"
  - 4.4.1 The term "*fresh*" may be used to describe pet food components that have not been subjected to any treatment except maintaining the cold chain. Treatments such as cooking, drying, freezing, hydrolysis, or similar processes, or the addition of salt, curing agents, natural or synthetic chemical preservatives or other processing aids exclude the component(s) from being called "*fresh*".
- 4.5 "*Natural*"
  - 4.5.1 The term "*natural*" should be used only to describe pet food components (derived from plant, animal, micro-organism or minerals) to which nothing has been added and which have been subjected only to such physical processing as to make them suitable for pet food production and maintaining the natural composition.
  - 4.5.2 Bleaching, oxidation by chemical, chemical treatment and similar processes exclude use of the term "*natural*".
  - 4.5.3 Raw materials and additives containing or derived from GMOs also exclude use of the term "*natural*".
  - 4.5.4 If a compound pet food contains only raw materials, additives and carriers meeting the above sections, it may be described as "*natural*" as long as it has not been subjected to processes other than those acceptable processes for "*natural components*".
  - 4.5.5 The terms "*made with natural ...*" may be used provided that the natural components are clearly identified.
  - 4.5.6 If a compound pet food contains only raw materials/additives/carriers meeting the above sections, but also contains vitamins and minerals from non-natural source, the following claim shall be allowed: "*made with natural component(s), with added vitamins and minerals*".
- 4.6 A statement on a pet food label stating "*new*", "*improved*" or a similar designation shall be substantiated and shall also comply with Clause 8.4 of the Code.
- 4.7 "*No added...*", "*without added...*", "*formulated without*", "*made without*", "*Free ...*"/"*free from*"
  - 4.7.1 These negative claims or claims on absence should not directly, indirectly or implicitly—
    - 4.7.1.1 be used if all similar goods in the same category, class, or all pet food, do not contain the substance in question;
    - 4.7.1.2 give the impression that products containing that particular substance/feature are dangerous, unless factual and in the public interest, unless permissible by

law.

- 4.8 Enriched or fortified terms used on a pet food label require that the food must contain 25% and 15% more than the nutrient requirements for enriched and fortified respectively.
- 4.9 Calorie terms such as “*light*”, “*less*”, “*reduced*” or terms and words of similar connotation must be substantiated against a standard maintenance diet in the advertiser’s own product range.
- 4.10 Fat-content-related terms such as “*lean*”, “*less*”, “*reduced fat*” or terms and words of similar connotation must be substantiated against a standard maintenance diet in the advertiser’s own range.

## **5. Endorsements, testimonials and awards**

- 5.1 A pet food advertiser must not, directly or indirectly, by way of endorsement, testimonial, award, advertising, labelling, brand, trade name or otherwise, make any false or misleading representation:
  - 5.1.1 that a product or ingredient thereof—
    - 5.1.1.1 has been prepared according to the formula, direction or personal supervision of;
    - 5.1.1.2 is prescribed by;
    - 5.1.1.3 is the first choice of;
    - 5.1.1.4 has been inspected, guaranteed, recognised, approved or used by;
    - 5.1.1.5 meets or exceeds the specifications or standards of; or
    - 5.1.1.6 is otherwise endorsed by, a particular individual or class of individuals, such as a governmental or non-governmental agency; professionals such as veterinarians or chemists; or organisations, breeders, kennels, sportsmen, hunt clubs or animal hospitals, when such is not the case.
  - 5.1.2 that a product is the recipient of a *bona fide* merit award or seal of approval when such is not the case.
- 5.2 Data justifying claims of this type, in compliance with Clause 8.4 of the Code must be kept on file, by the company responsible for making such a claim, and be made available to the ASA upon written request, normally within 2 business days.

## **6. Comparative claims**

- 6.1 All factual comparative claims must comply with the Code.
- 6.2 If the comparison involves nutrients such as fat or calories, the percentage change must also be included with the product of comparison.
- 6.3 Comparisons of nutrient content must be—
  - 6.3.1 on a similar basis (example: dry vs. dry);
  - 6.3.2 be accurate;
  - 6.3.3 the basis for the comparison must—
    - 6.3.3.1 be fully disclosed;
    - 6.3.3.2 not mislead;
    - 6.3.3.3 be expressed using common quantitative units.

- 6.4 The use of claims stating preference or comparable attributes must be substantiated in accordance with Clause 8.4 of the Code, and such substantiation should be kept on file with the advertiser and must be made available to the ASA upon written request, normally within 2 business days. Bags of pet food purchased for testing purposes shall comply with Clause 9 below.

## **7. Health claims**

- 7.1 Health claims may not extend to medicinal or therapeutic claims, for example, the words "cure", "restore", "heal", "diagnose", "mitigate", "treat" or "prevent disease" must not be used. Health claims relating to aiding or assisting medicinal or therapeutic claims are, however, permissible.
- 7.2 Adequate and proper tests must confirm the benefit of the nutritional link to the health claim.
- 7.3 Current data confirming the health claim(s), in compliance with Clause 8.4 of the Code, should be kept on file with the manufacturer and must be made available to the ASA upon written request, normally within 2 business days. Bags of pet food purchased for testing purposes shall comply with Clause 9 below.

## **8. Nutrient claims**

- 8.1 Nutrient statements must be accurate, verifiable, and not misleading.
- 8.2 If the label of a pet food product calls prominent attention to a nutrient, outside of the ingredient panel, then a guarantee of the nutrient must appear in the guaranteed analysis statement on the packaging, container or label.
- 8.3 If nutrient claims are made in promotional materials but not on the label of the product, then the guaranteed analysis section of the label or ingredient list of the label needs to reflect this ingredient. However, current data confirming the nutrient claim(s), in compliance with Clause 8.4 of the Code, should be kept on file with the manufacturer and must be made available to the ASASA upon written request, normally within 2 business days. Bags of pet food purchased for testing purposes shall comply with Clause 9 below.
- 8.4 The PFI will advise the ASASA, upon request, whether the nutritional claims are accurate in terms of SANS 909:2018. Bags of pet food purchased for testing purposes shall comply with Clause 9 below.

## **9. Procedure: Sampling and testing of pet food**

- 9.1 The following procedure should be interpreted as an addendum to Clause 8.4 of the Code.
- 9.2 When an advertiser is required to test its product in order to comply with Clause 8.4 of the Code, as set out above, it shall do so by purchasing bags of pet food for testing purposes:
- 9.2.1 Two identical sealed bags are to be purchased at the same retail outlet; and the Batch ID and/or Manufacturing Date shall be as close to each other as reasonably possible.
- 9.2.2 The two bags must remain sealed.
- 9.2.3 Two sealed bag shall be transferred to the designated laboratory for analysis, together with proof of purchase. The designated laboratory for analysis shall confirm, in writing, that the bags were received in compliance with these requirements.