

National Inquiry into the Food Systems of South Africa

CIVIL SOCIETIES FOOD ENVIRONMENT RECOMMENDATIONS

The Healthy Living Alliance (HEALA) welcomes the South African Human Rights Commission's (SAHRC) invitation for submissions regarding the National investigation into the Right to Food. The current South African food system does not support the constitutional rights to food access and sufficient nutrition of children and adults living in South Africa, perpetrating malnutrition and chronic diseases, which burden our population and health system. The corporate power of multinational food and beverage (F&B) industries has allowed for an overconsumption of ultra-processed foods (UPFs), replacing nutritious, minimally processed diets. Although efforts have been made to regulate some harmful food products by the government, regulations, policies and guidelines have not been implemented and monitored to their full potential. This has allowed the F&B industries to influence what foods are readily available and marketed, driving the overconsumption we see, and children are often the main target of these companies.

This submission will provide evidence and civil society-led recommendations for the commission to consider based on;

Commission's themes	Civil society recommendations
Theme 1: Crisis of historic justice, not scarcity	- Reform and improve the National School Nutrition Programme (NSNP). - Increase the child support grant to meet the food poverty line. - Introduce a maternity support grant.
Theme 2: Corporate capture of the food system	- Implement mandatory regulations to protect consumers from the rise of UPFs & prevent non-communicable diseases (NCDs). - Protect breastfeeding through further commercial milk formula (CMF) industry restrictions.
Theme 6: Systemic Failure and Fragmented Governance	- Strengthen interdepartmental coordination. - Earmark the health promotion levy (HPL) revenue for health promotion activities.
Theme 7: The Power of Civic Mobilisation	Strengthen civil society involvement in policy development, implementation & monitoring.

Theme 1: A crisis of historic justice, not scarcity

The historic and present structural dynamics and economic factors that perpetrate hunger and systemic exclusions, despite national food sufficiency

Poverty, inequality, and unemployment constitute South Africa's most serious democratic crisis and are key drivers of the double burden of malnutrition affecting children. Many households cannot afford nutritious food, leaving children vulnerable to both undernutrition and obesity. Investing in food and nutrition security is therefore essential to protecting children's rights and enabling them to reach their full physical, mental, and economic potential ([UNICEF, 2024\(a\)](#)).

Social protection is necessary to achieve better household and individual food security, especially for the most vulnerable. The reform and expansion of existing social protection measures, particularly the NSNP and social

grants systems, could allow better protection for children, provide adequate nutrition and address systemic gaps in food and nutrition security.

a) Reforming the National School Nutrition Programme (NSNP)

The NSNP is a cornerstone intervention aimed at reducing childhood malnutrition, improving school attendance, and supporting access to education. It is widely regarded as one of South Africa's most effective pro-poor programmes due to its focus on no-fee schools. The programme advances learners' constitutional rights to basic nutrition (Section 28(1)(c)), basic education (Section 29(1)(a)), sufficient food (Section 27(1)(b)), and social security (Section 27(1)(c)).

Despite its successes, the NSNP faces significant challenges. In October 2024, HEALA convened the Schools Food Environment Assembly (SFEA), bringing together 280 stakeholders from government, civil society, academia, communities, and schools. The assembly assessed the programme's strengths and weaknesses and produced a clear mandate: *ending child malnutrition is both a right and a duty*. Key challenges and corresponding solutions were identified ([HEALA, 2024](#)).

Key Challenges of the NSNP:

- **Inadequate budgeting:** Current allocations do not keep pace with food price inflation and underfund essential non-food costs such as sanitation, food safety, and storage.
- **Food safety risks:** Insufficient infrastructure and oversight have contributed to food contamination incidents in schools.
- **Limited coverage:** The NSNP excludes weekends, school holidays, and early childhood development (ECD) centres, leaving vulnerable children without consistent access to nutritious food.
- **Weak procurement systems:** Inconsistent support for local producers, procurement delays, and corruption have disrupted meal provision in some provinces.
- **Unhealthy school food environments:** Schools continue to promote and sell unhealthy, ultra-processed foods.
- **Precarious labour conditions:** Food handlers face low pay, short-term contracts, and lack formal employment recognition.
- **Stigma:** Negative perceptions of the NSNP discourage participation among some learners.

Civil Society Recommendations

1. **Increase and food price inflation-adjust NSNP funding** to ensure adequate food quality, quantity, and food safety infrastructure.
2. **Expand programme coverage** to include ECD centres, weekends, and school holidays, with targeted support for the most vulnerable children.
3. **Strengthen food safety systems** through improved sanitation, water access, storage, and monitoring.
4. **Reform procurement processes** by prioritising local suppliers and small-scale farmers, employing nutrition experts to develop region-specific menus, and enforcing zero tolerance for corruption.
5. **Create healthy school food environments** by prohibiting the marketing and sale of unhealthy foods and beverages on and around school premises.
6. **Improve working conditions for food handlers** by formalising employment, extending contracts, and ensuring payment of a living wage.
7. **Address stigma through positive messaging** that positions the NSNP as a universal health and education intervention, not a charitable programme.

Reforming and expanding the NSNP is a cost-effective and rights-based investment in South Africa's future. A strengthened programme can reduce child malnutrition, improve educational outcomes, stimulate local food systems, and contribute to long-term social and economic development.

b) Expanding and increasing social grants

Expanding social protection for families and children is essential to upholding children's rights. South Africa's social grant system is widely regarded as progressive, having increased income among the poorest households and reduced inequality. The Child Support Grant (CSG) in particular reaches a large proportion of children. In 2021, 37% of children lived below the food poverty line; without the CSG, this figure would have risen to 47%. However, the CSG can only lift children out of poverty if they are not far below the poverty line. To adequately protect the poorest children from hunger, malnutrition, and stunting, the grant amount must be increased ([UNICEF, 2024\(b\)](#)).

Black Sash, in partnership with the International Labour Organisation (ILO) and the National Planning Commission (NPC), convened civil society, labour representatives, and policymakers to develop a comprehensive social protection floor framework for South Africa. Their nutrition-focused recommendations include aligning the CSG with the food poverty line and introducing nutrition-specific food vouchers ([Black Sash, 2025](#)). Various approaches to increasing the CSG are included in the "Reducing Child Poverty: A review of child poverty and the value of the Child Support Grant" report commissioned by the Department of Social Development ([Hall K et al., 2023](#)).

Evidence shows that babies born to food-insecure mothers face higher risks of low birth weight and stunted growth ([Harper A et al., 2022](#)). Nutritional interventions during the first 1,000 days of life yield lifelong benefits, making the protection of pregnant women from malnutrition critical for early childhood development. Introducing a Maternal Support Grant (MSG) would provide vulnerable pregnant women with income support, improving access to nutritious food, antenatal care and mental well-being ([DGMT, 2025](#)).

Civil society recommendations:

- Increase the child support grant to meet the food poverty line.
- Introduce a maternal support grant for pregnant women.

Theme 2: Corporate capture of the food system

The concentration of power in the food value chain and its impact on access, affordability and nutritional quality

Over the past two decades, South Africa's food system has undergone a profound shift driven by corporate consolidation and profit-oriented food environments. Nutritious, minimally processed diets have increasingly been displaced by processed and UPFs high in sugar, salt, and saturated fats across all income groups ([NDoH, 2022](#)). This transformation reflects the growing dominance of large multinational F&B corporations over production, distribution, marketing, and consumption patterns.

The widespread availability and aggressive marketing of UPFs undermine public health, fuel non-communicable diseases (NCDs), and entrench health inequalities. High UPF consumption increases the risk for developing obesity, oral diseases, type-2 diabetes, cardiovascular disease, and certain cancers ([The Lancet, 2025](#)). Rather than supporting healthy growth and development, the current food system exposes individuals, particularly those with limited resources, to unhealthy food environments that normalise overconsumption of harmful products ([UNICEF, 2024\(a\)](#)).

Corporate capture begins early in life. Despite breastfeeding being a proven protective factor against under- and overnutrition, only 32% of South African infants are exclusively breastfed for the first six months ([NDoH, 2018](#)). This low rate is closely linked to the aggressive marketing of commercial milk formula (CMF), which distorts scientific information, undermines caregivers' confidence, and places infant health at risk ([WHO & UNICEF, 2022](#)). In contexts of poverty and poor sanitation, the high cost and risks associated with CMF further exacerbate stunting ([Hadi et al., 2021](#)). Market-driven food systems, reinforced by sophisticated corporate marketing strategies, actively undermine public health measures designed to protect infants and young children ([Baker et al., 2023](#); [Rollins et al., 2023](#)).

Multinational corporations systematically use marketing to exploit social norms, cultural values, and aspirations to generate demand and normalise UPF consumption from infancy onwards ([Baker et al., 2025](#)). Curbing these practices is a critical public health intervention, particularly given the links between early childhood undernutrition and later-life obesity ([Rito et al., 2019](#)), and the inverse relationship between breastfeeding and stunting ([Hadi et al., 2021](#)).

Corporate influence is also evident in complementary feeding practices. Commercial infant cereals are commonly introduced as first foods ([Sayed & Schönfeldt, 2020](#)). Evidence from 2024 revealed significant disparities in Nestlé's Cerelac formulations, with higher sugar content in products marketed in lower-income countries (South Africa included) compared to those sold in higher-income settings ([Gaberell et al., 2024](#)).

Further analysis found that 90% of Cerelac products sold in Africa contained high levels of added sugar ([Gaberell, 2025](#)), increasing the risk of overweight, obesity, tooth decay, and diet-related NCDs in young children.

A small number of multinational corporations generate huge profits while undermining health and social costs onto individuals and the public sector. Addressing this imbalance requires strong, mandatory, government-led regulation to counter corporate power and protect public health. These include:

1. Taxation of UPFs

South Africa's Health Promotion Levy (HPL) on sugar-sweetened beverages (SSBs) has reduced consumption ([Stacey N., et al. 2021](#)) and driven reformulation of SSBs ([Stacey N., et al. 2019](#)). However, industry lobbying has stalled increases, and inflation has eroded the effective tax rate from 11% in 2018 to approximately 8%.

Civil society recommendations:

- Increase the HPL to at least 20%, with annual inflation-linked adjustments.
- Expand the HPL to include 100% fruit juices.

2. Mandatory Front-of-Pack Warning Labels (FOPL)

The draft Regulations for Labelling and Advertising of Foodstuffs ([R3337](#)) that propose a FOPL system to be introduced on packaged foods and child-protective marketing restrictions were published for public comment in April 2023. Three years later, the revised regulation has yet to be published with the introduction of FOPL being delayed. FOPL is a unique policy tool that helps advance the rights to food, health, access to information and freedom of expression. A human rights approach supports and obligates the government to implement FOPL as part of its constitutional duties to serve the public. ([Karim SA., et al. 2025](#))

Civil society recommendations:

- Finalise and implement mandatory FOPL regulations on all unhealthy packaged foods without further delay.

3. Comprehensive Restrictions on Marketing Unhealthy Foods to Children

South Africa lacks comprehensive, enforceable restrictions on marketing unhealthy foods to children. Draft R3337 includes important mandatory measures (Regulation 52), recognising protecting children from unhealthy food marketing but gaps remain.

Civil society recommendations:

- Make all child-protective marketing restrictions mandatory, not voluntary.
- Extend restrictions across all media, including digital and social platforms.
- Prohibit the use of children, child-appealing imagery, and incentives in marketing.
- Ban branding and sale of unhealthy foods in child-centred settings, including schools.
- Introduce broadcasting rules limiting when unhealthy food advertisements may be aired.

4. Stronger Protection from Commercial Milk Formula Marketing

While Regulation R991 (2012) restricts CMF marketing, companies continue to exploit loopholes ([WHO & UNICEF, 2022](#)) particularly through digital platforms. In May 2025, the 78th World Health Assembly adopted a landmark resolution regulating digital marketing of breast-milk substitutes, which South Africa endorsed.

Civil society recommendations:

- Rewrite the R991 to close all marketing loopholes and include explicit digital marketing restrictions, aligned with the WHA resolution.

Theme 6: Systematic Failure and Fragmented Governance

Institutional coordination, policy coherence, and legislative adequacy in realising the right to food

South Africa has no shortage of policies, strategies, and regulatory tools aimed at improving food security and protecting people from unhealthy diets. However, fragmented governance, weak interdepartmental coordination, and policy incoherence between government institutions have resulted in poor implementation

and limited impact. The absence of aligned mandates, shared accountability, and coordinated financing undermines the realisation of the right to food.

A clear example is the Health Promotion Levy (HPL). Even at a rate below global recommendations, the HPL has successfully reduced sugar-sweetened beverage consumption ([Stacey N., et al. 2021](#)), driven product reformulation ([Stacey N., et al. 2019](#)) and generated substantial revenue, approximately R13 billion since its introduction, averaging R2–3 billion annually. Yet this success is weakened by systemic misalignment. The HPL's revenues flow into the National Revenue Fund and are not earmarked to support health promotion, the very objective the levy was designed to achieve.

More so, while the National Department of Health's (NDoH) 2023–2028 [Strategy for the Prevention and Management of Obesity](#) (Strategic Objective 6) explicitly recommends expanding the HPL to other unhealthy products, National Treasury has failed to act. Despite committing to consultations on extending the HPL to products such as fruit juices in 2023, no public process or communication has followed. This institutional disconnect has been used to justify delaying both an increase and expansion of the HPL, eroding its effectiveness over time.

Furthermore, there is weak coordination on issues related to food and nutrition security in South Africa. A Food and Nutrition Security Council was supposed to be established based on the Strategic Objective 1 of the [National Food and Nutrition Security Plan \(2018-2023\)](#), however this has yet to be established according to the [DPME 2024 report](#).

Without coherent governance and aligned financing, South Africa's food policies will continue to operate in silos which undermines their collective potential to realise the right to food and protect public health.

Civil Society recommendations:

- HPL revenues must be ring-fenced, transparently allocated, and publicly reported on to ensure they are used to fund measurable NCD prevention and health interventions, failing which, the government risks undermining its constitutional obligation to progressively realise the right to health.
- Strengthen interdepartmental coordination between National Treasury, National Department of Health, and other relevant ministries to ensure policy coherence across departments.
- Implement and expand the HPL in line with existing health policy commitments, including extending the levy to other unhealthy products such as fruit juices.

Theme 7: The power of civic mobilisation

The role of civic participation, public accountability, and social movements in advancing the right to food

Civil society has proven power to shift policy, challenge corporate influence, and hold both government and the F&B industry accountable for harmful practices within South Africa's food system. Organised civic action remains one of the most effective tools to counter industry power and advance regulations that protect public health—particularly in environments dominated by UPFs and CMF.

At both global and national levels, civil society mobilisation has already delivered tangible wins. Through [Bloomberg Philanthropies' Food Policy Program](#), of which HEALA and South African partners are part, advocacy efforts have supported the adoption, implementation, and defence of unhealthy food environment regulations, while actively monitoring and exposing industry interference. In South Africa, this collective action has contributed to the introduction of the HPL, ongoing efforts to implement FOPL, initiatives to improve school food environments, and proposals to restrict harmful marketing of unhealthy foods.

The co-ordination of the Food Justice Coalition (FJC), a coalition of NGOs, civil society organisations and academia working within the context of health, food, education, human rights, social protection and environmental issues is a necessary collaboration needed to create public demand for food justice and access to nutritious food.

The Not Today Nestlé campaign in 2021 further demonstrated the power of coordinated action between civil society and academia to challenge corporate misconduct ([Grimbeek A., et al., 2026](#)). The campaign exposed illegal marketing practices by Nestlé in violation of Regulation R991, forcing public scrutiny of CMF marketing. The NDoH has acknowledged that there must be no ambiguity regarding the regulation and that enforcement is required ([Ntsie, 2020](#)). However, this case also revealed systemic weaknesses: limited government capacity

to monitor industry behaviour, unclear or weak sanction mechanisms within the R991 and the Foodstuffs, Cosmetics and Disinfectants Act, and significant power imbalances between public institutions and well-resourced multinational corporations

These challenges underscore the need for sustained, resourced, and coordinated civic mobilisation. Civil society cannot replace the state, but it can act as a critical watchdog, enforcement catalyst, and implementation partner, provided it is adequately supported. Combating industry misconduct requires both reactive (exposing violations and demanding accountability) and proactive strategies (monitoring, policy advocacy, and public mobilisation), alongside strong collaboration between civil society, academia, and government.

Governments hold the primary legal duty to protect children's right to food and nutrition by implementing and enforcing mandatory marketing and food environment regulations. Civil society and the media are essential to ensuring transparency, amplifying public participation, and holding corporations accountable for unethical and illegal practices. Academia plays a vital role in generating independent evidence to strengthen advocacy, inform policy, and support enforcement efforts ([Baker et al., 2025](#)). For advocacy to translate into real change, it must be matched by political will and adequate public resources to act decisively against regulatory violations ([Vitalis et al., 2022](#)).

Meaningful food system reform will not occur without pressure from an organised, informed, and mobilised public. To protect health and realise the right to food, CMF and F&B industry actors must be systematically monitored, regulated, and held accountable—and civic mobilisation remains central to making this possible.

Civil society recommendations:

- Strengthen and resource civil society watchdog functions to monitor, expose, and challenge corporate misconduct in the food system.
- Institutionalise collaboration between government, civil society, and academia to support policy development, enforcement, evidence generation, and policy coherence.
- Ensure mandatory regulations are enforced, with clear sanctions for violations, particularly in relation to CMF and unhealthy food marketing to children.
- Protect civic space and public participation as essential mechanisms for accountability in food and nutrition governance.

This submission has been endorsed by:

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