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Policy Brief

Draft Regulation Relating to the Labelling and Advertising of Foodstuffs (R3337)

Problem statement

South Africa faces an urgent public health challenge requiring decisive policy intervention to improve population health outcomes. Current evidence indicates a growing burden of obesity and nutrition-related non-communicable diseases¹, driven in part by inadequate consumer access to clear and understandable nutritional information. Existing food policies have not sufficiently empowered consumers to make informed dietary choices, particularly across diverse socioeconomic groups, including disadvantaged populations.

The national food system does not adequately uphold the constitutional rights of children and adults to access sufficient, safe, and nutritious food, nor is current food labelling aligned with promoting the right to information. This systemic failure contributes to persistent malnutrition alongside rising rates of chronic diseases, placing increasing strain on both the population and the healthcare system.

South Africa's food environment is heavily skewed toward unhealthy options, characterised by widespread availability of packaged, ultra-processed energy-dense, nutrient-poor products that are aggressively marketed by the food and beverage industry. Over the past two decades, consumption of commercially manufactured ultra-processed foods high in added sugar, salt, and saturated fat has increased across all income groups, significantly contributing to the country's high prevalence of obesity and non-communicable diseases.^{2,3,4,5}

Compounding this issue, is the difficulty consumers face in interpreting nutritional information. Current labelling practices, including nutrition facts panels typically located on the back of packaging, are often complex, unclear, and inaccessible to the general public, limiting their effectiveness in guiding healthier food choices.^{6,7} It is the government's responsibility to provide conditions to enable citizens to make healthier food choices and therefore have healthy lives.

Strengthening food labelling is a chance to fulfil South Africa's constitutional commitment to health and nutritious food.

Regulation solutions in the R3337

The current food labelling regulation (R146 of 2010) is outdated, and in dire need of updating. This can be addressed through the proposed draft regulations (R3337) published for public comment in 2023 by the National Department of Health (NDoH), which are yet to be promulgated. The R3337 regulation presents a comprehensive, evidence-based response to reduce the consumption of ultra-processed foods high in sugar, salt, and saturated fat, and to improve public health outcomes. Key measures include:

1. Adoption of a South African Nutrient Profiling Model (NPM)

An NPM is a tool used in policy development to easily identify foods (in this case, unhealthy foods). The proposed NPM, commissioned by the National Department of Health and a taskforce of experts, is grounded in strong scientific evidence and aligned with international best practices. It has been specifically adapted to the South African context, enabling accurate identification of foods high in sugar, saturated fat, salt, and non-sugar sweeteners. Its design ensures practical implementation within existing resource constraints, while maintaining strict nutrient thresholds essential to preserve regulatory effectiveness and public health impact.⁸

2. Mandatory Front-of-Pack Warning Labelling (FoPWL)

The introduction of a standardised, mandatory FoPWL system (Figure 1) on packaged foods and beverages high in nutrients of concern (sugar, salt, saturated fat and non-sugar sweeteners) will provide consumers with clear, accessible information to guide healthier choices. Peer-reviewed and independent evidence from South African studies demonstrates that the simple, interpretive black triangular warning labels using clear, non-technical language, are highly effective in

improving consumer understanding and influencing purchasing behaviour.^{9,10} The inclusion of icons enhances accessibility across varying literacy levels and across different languages, while standardisation prevents industry manipulation of label design.

The regulation also appropriately includes warnings for products containing non-sugar or artificial sweeteners, in line with emerging evidence from countries such as Colombia, Mexico and Uganda on their limited long-term benefits and potential health risks, including associations with type 2 diabetes, cardiovascular disease, and adverse effects on children's health.¹¹

Additionally, restrictions on health and nutrition claims for products carrying warning labels will reduce consumer misperception and prevent misleading marketing practices (Regulation 51 (5)).

3. Marketing Restrictions on Unhealthy Foods

The draft regulations introduce mandatory marketing restrictions for products carrying FoPWL, with a strong emphasis on protecting children under 18 years, consistent with international guidance.¹²

These include prohibitions on child-targeted marketing techniques such as the use of cartoons, celebrities, incentives, and branding strategies that appeal to children (Regulation 52).¹³ And it also prohibits the use of claims (health, nutritional, functional & environmental claims) to mitigate any potential halo effects from these sorts of claims that have been shown to confuse consumers. The requirement to include warning labels and messages in advertising further strengthens consumer awareness. These measures represent a critical step in reducing children's exposure to unhealthy food marketing, though further strengthening of these provisions could enhance their overall impact.

Collectively, these interventions provide a coherent and scalable policy framework to support healthier food environments, empower consumers, and reduce the burden of obesity and non-communicable diseases in South Africa.

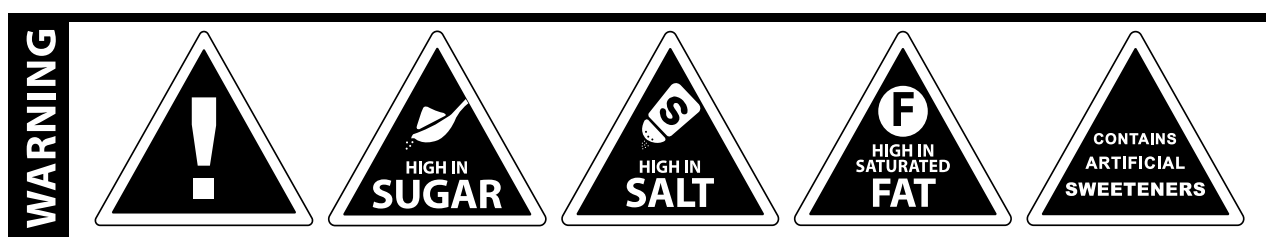


Figure 1: Front of package warning labels (FoPWL) for South Africa (as proposed in Draft R3337)

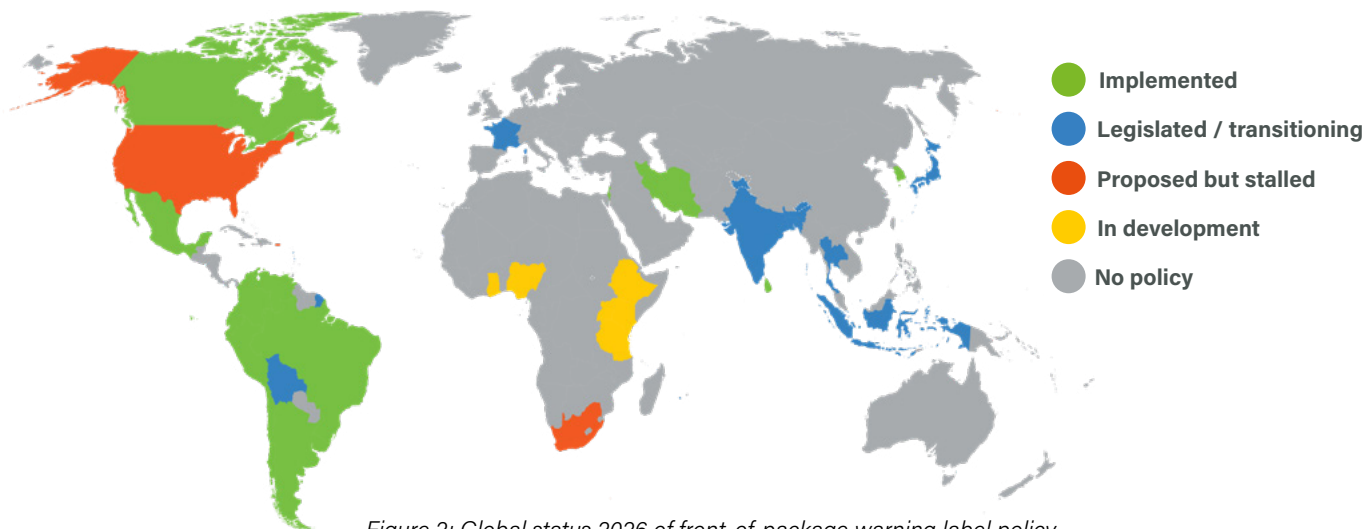


Figure 2: Global status 2026 of front-of-package warning label policy

Evidence that it works from around the world

Since the initial introduction of South Africa's R3337 in April 2023, several countries have passed and some have implemented Nutrient Profile Models and accompanying FoPWL regulations.

In the Americas,¹⁴ Chile's healthy food policies — including front of package labels, marketing restrictions and school food policies — has consistently shown declines in purchase of energy, sodium, sugar, and saturated fat since its inception in 2016.¹⁵ Beyond the public health impacts of the policy, no negative economic impacts have been found.¹⁶

Colombia implemented front of package warning labels starting in December 2022, with a requirement to be mandatory by December 2023. Argentina implemented their policy in August 2022, and required mandatory compliance by February 2023. Canada has also implemented their policy as of 2022, with mandatory compliance required by January 2026.

Evidence from Mexico's front of package warning label policy has also yielded reformulation as a short term outcome.^{17,18}

In Africa, Kenya published their Nutrient Profile Model in 2025,¹⁹ and the Ministry of Health and other stakeholders are working to pass a package of mandatory policies including front of package warning labels, designed based on local evidence, as well as marketing restrictions. Kenya's octagonal label research includes icons, similar to the graphic design used in the South Africa research and proposed R3337.²⁰

Uganda has also published their nutrient profile model, using an adapted version of the Pan American Health Organization's nutrient profile model including non-sugar sweeteners, and is working to advance a mandatory front of package warning label policy. Further, several other countries in the region including Ethiopia, Ghana, Nigeria and Tanzania are in the process of developing nutrient profile models and conducting research on best practices or front of package warnings.

Since 2023, evidence has advanced on nutrient profiling, front of package warning labels and marketing restrictions. Seminal evidence such as a systematic review on health impacts of UPF consumption by Lane et al. (2024),²¹ in the 2025 Lancet series on ultra processed food,²² argues for the need for mandatory front of package labels and marketing restrictions.²³ While the science is advancing about the health harms of these products, South Africa cannot afford to wait longer to advance on these policies.

Urgent recommendations

The National Department of Health should publish regulation R3337 with:

- ⚠ A strong, evidence-informed nutrient profile model that is free from industry influence.
- ⚠ Regulations that remain mandatory and are gazetted by September 2026, with a phased compliance period giving industry adequate time to prepare.
- ⚠ The black and white triangular front of package warning labels as proposed.
- ⚠ A clear enforcement and monitoring framework, with designated NDoH responsibility and measurable compliance indicators to secure the intended public health impact.
- ⚠ A maintained ban on health claims for any products high in nutrients of concern, alongside enforced marketing restrictions on these products.



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