

Short Notes on:

## **SOUTH AFRICA'S COFFEE CLEAN-UP**

### ***Introduction***

In the last few years, there has been a push for more regulated industries and better protection of consumers. If consumers lose faith in the products available for purchase, it could ultimately lead to a lower consumer spend rate. A trusted and well-performing economy is one of the few wishes any government will want to be granted during these unprecedented times. Therefore, the Government implemented various forms of legislation to regulate areas of high consumer exposure, with one of the latest being the sale of coffee.

### ***The Regulations Relating to Coffee, Chicory and Related Products Intended for Sale in the Republic of South Africa***

As is evident from the above name of the intended regulations, the purpose is to better control the sale of coffee and coffee-related products in the republic. This is to avoid consumers being misled and consuming products that are not of the quality and taste that said products are purporting to be.

Initially, the Department of Agriculture, Land Reform and Rural Development published a draft version of the regulations for public comments in September 2019. However, the public provided some stiff feedback, resulting in the regulations being reworked and published in October 2020, coming into effect from 1 November 2021.

The regulations will apply to all sales excepting that of green coffee beans intended for further processing and coffee-related products that are prepared and served in the course of a business and on its premises in the 'ready-to-drink' format. These would include places such as restaurants, coffee shops and mobile stalls.

### ***Categories and Definitions***

There are twelve listed categories for coffee, chicory and its related products. The main ones relevant to consumers would probably be instant coffee, coffee and chicory mixture, chicory and

coffee mixture, instant coffee and chicory extract, instant chicory and coffee extract, and mixed coffee. Some of the compositions are as explained below:

1) **Instant Coffee**

Shall consist of dried soluble solids obtained by spray or freeze-drying the water extraction of freshly roasted coffee beans and shall contain only the soluble and aromatic constituents of coffee apart from those insoluble substances are not possible to remove. These may contain additives.

2) **Coffee and chicory mixture**

Shall consist of a mixture of ground coffee and chicory and shall have no less than 50% ground coffee as part of its mixture. It may contain sugar and additives.

3) **Chicory and coffee mixture**

Shall consist of a mixture of ground coffee and chicory and shall have no less than 50% chicory as part of its mixture. It may contain sugar and additives.

4) **Mixed coffee**

Shall consist of a mixture of ground coffee and chicory only and shall be no less than 75% ground coffee as part of its mixture

***Additions to the Flavour***

The regulations further direct the position as to any added flavouring to coffee, chicory or related products. If such flavouring is used, the product name shall either be preceded or followed by an expression that indicates this position—for example, using the term “XYZ Flavoured”, where XYZ refers to the flavouring used.

***Conclusion***

Suppose there is no compliance with the regulations. In that case, the Magistrate’s Court shall have jurisdiction to adjudicate and hand down any fine and/or sentence of imprisonment for offences committed in line with Section 13 Agricultural Product Standards Amendment No. 63 of 1998.

Although there seem to be no significant implications for any well-known brands and operations, some would have to reconsider their marketing strategies as their product will no longer fall under the definition of a coffee product, but rather a hot drink or chicory product classification, which could lead to a loss of strong reputational holding unless their product is modified. The indirect effect here would be a change in the taste of the product. Consumers would need to wait and see if they taste anything 'different' about their most loved brands come November.

Contact SchoemanLaw Inc for all your consumer protection and ombudsman queries and needs

