

NATIONAL CONSUMER COMMISSION

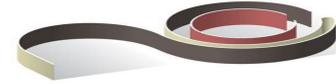
***THE NATIONAL CONSUMER COMMISSION &  
THE CONSUMER PROTECTION ACT  
68 of 2008***

***Presenter : Bulelwa Hewu***

**012 428 7766**

**082 695 5542**

**[b.hewu@thencc.org.za](mailto:b.hewu@thencc.org.za)**



NATIONAL CONSUMER COMMISSION

## The Commission

- **The Consumer Protection Act No. 68 of 2008 (CPA), is an overarching piece of legislation and is prescriptive in nature;**
- **The CPA has national jurisdiction through out the Republic;**
- **It is mandatory for business to uphold;**
- **It establishes the National Consumer Commission as a public entity;**
- **The Commission came into operation on 01 April 2011, and is responsible for the enforcement of the CPA;**

# Legislative authority



- **Section 24 and Regulation 6** of the Consumer Protection Act 68 of 2008
- **Code of practice – Care-labelling of textiles and clothing- SANS 10011** (SABS)
- **Code of practice – Fibre-content labelling of textiles and textile products SANS 10235** (SABS)
- **Customs and Excise Act** (Section 113 (8))

# What is **labelling** about?



NATIONAL CONSUMER COMMISSION

- **Import restrictions**
- **Applicable to South Africa only**
- **To inform consumers about the products they buy so they can make informed decisions when buying the product**
- **Linked to an information campaign of promoting the buying of local goods**
- **Labelling will also apply to locally manufactured products, including products made from imported fabrics.**

# What is covered by labelling



- **Country of origin**

(Where does the product come from?)

- **Care-labelling**

(**How to care for the product** after you have bought it?)

- **Fibre-content labelling**

(What materials / **fibres are the product made of?**)

- **Reconditioned, rebuilt or remade**

(This a used product that have been reworked?)

# Tariffs in the Harmonized Custom Coverage



Section 24(4) – The **Minister may prescribe** categories of goods that are required to have a **trade description applied to them** and the **information that is required to be included in any trade description** .

## Annexure D of the CPA

- **Textiles** – Chapters 50 to 60 and 63
- **Clothing** – Chapters 61, 62 and 65
- **Shoes and leather goods** – Chapters 42, 43 and 64

# Requirements of Sect 24(4) CPA



- The Regulation **prohibits the importation and or sale** of goods **specified** in in the **schedule**, irrespective of whether the goods were made in South Africa or elsewhere **unless**:
  - **The product states the country of origin.**
  - **That a locally manufactured product using imported materials must state “Made in South Africa from imported materials”.**
  - **They conform to the South African national standards for fibre content and care labeling in accordance with SANS 10235 and 10011 (SABS).**

## Regulation 6 cont.....



- **If after they have been reconditioned, rebuilt or remade whether in the Republic or elsewhere, be applied to them in a conspicuous and easily legible manner, the words stating clearly that they have been “reconditioned, rebuilt or remade”, as the case may be.**
  
- **If the goods have been wholly assembled or made in the Republic, a trade description must be applied to them in a conspicuous and easily legible manner stating “Made in South Africa”.**

# Exclusions / Exemptions



- **Exclusion**
  - Textiles so small that labelling is not reasonably possible;
  - Second hand clothing imported for charity;
  - Goods imported by a natural person do not exceed 1000 items in a month; but applies for marketing purposes;
- **Application**
  - Will apply to new and second-hand goods for domestic sale;
  - Re-imported goods for domestic sale;
  - Locally manufactured goods for sale.

# Responsibility



## ■ The NCC

- **Responsible for the enforcement of the Consumer Protection Act and Regulation 6 (Apply discretion);**
- **Inspectors appointed by the NCC will be responsible to verify compliance in the domestic market.**

## ■ SARS Customs

- **While goods are under customs control, i.e. at the time of first clearance and goods cleared from storage warehouses;**
- **Verify, detect, detain, notify and act on instructions from the NCC;**
- **Dispose of goods as directed.**

## How must labels be applied to goods?



**A label MUST be applied to the goods in a conspicuous and easily legible manner.**

- **Directly on the fabric, i.e. printed on the goods;**
- **On a label securely attached, i.e. sewn-in label on the goods.**
- **On the packing or on a label attached to the packing;**
- **On a non-permanent label attached to the goods, i.e. a swing or adhesive label;**
- **A note contained in or on a document accompanying the goods, i.e. brochure, pamphlet, etc.**

**• However, this does not absolve an importer from the obligations of also complying with the provisions of other legislation relating to the importation of goods into the Republic of South Africa.**

# Labels

- **Labels could be in any combination**
- **One giving brand name/ manufacturer, the size, the country of origin and the fibre-content**
- The other giving the care instructions
- **Made in China**
- **Produced or manufactured in China**
- **China**

# Where labels can be found



## ➤ **Pants**

Sewn on the back pocket sleeve on the inside

## ➤ **Jackets**

Sewn in the inside of the right hand pocket

## ➤ **Shoes**

Sewn under the tongue, printed / sewn on the inner side wall

## ➤ **Underpants / panties**

At the back in the centre on the ribbing

## ➤ **Shirts**

Sewn into the inside of the side seam

# Penalties and Fines



- Non-compliance with the COOL requirements will lead to the investigators to issue a Compliance Notice on the products that are non compliant. The compliance notice will direct that the non-compliant goods be returned to country of ORIGIN for the labels to be attached.
- Non-compliance with the Notice is a prohibited conduct. The Tribunal may impose an administrative fine of 10% of the annual turn over for the preceding year or R1 000 000.

# Role of the NCC



The Commission has the responsibility to enforce the Act by –

- **Initiating** complaints on systemic issues affecting consumer generally;
- **Investigating** complaints referred by consumers, or any person entitled to do so by the Act;
- Issuing **compliance notices** to entities investigated;
- Negotiate **settlement of complaints** where suppliers wants to settle the matter without referral to the Tribunal;
- Facilitating conclusion of **consent orders**;
- Referring matters to the **Tribunal for adjudication**;
- Refer matters to the **Equality Court**.
- **Accreditation of Consumer Groups, Industry Codes of conduct and Ombud Schemes**

***The National Consumer Commission***

***Contact Center No: 012 428 7000***

***Email: [complaints@thencc.co.za](mailto:complaints@thencc.co.za)***

***Thank you***

6 February 2020

# **NEWSFLASH**

## **Labelling Regulations – Clothing, Textiles, Shoes & Leather**

To our valued client,

We have been informed by the National Consumer Commission that they will be enforcing labelling regulations via Customs and Excise detentions on clothing, textiles, shoes and leather. We strongly suggest that you review their attached presentation and ensure that your imports are in line with their regulations to avoid problems at the time of import. Should you have any enquiries please make contact with

Bulelwa Hewu  
012 428 7766  
082 695 5542  
b.hewu@thenc.org.za  
From NCC directly.

We thank you for your continued support.

Should you wish to unsubscribe from this newsletter, please advise –[info@clearfreight.co.za](mailto:info@clearfreight.co.za),

# CUSTOMS

## EXTERNAL

### CARE LABELLING

<p>Example 1 White 100% cotton sheet with no special finish (No restrictions on care).</p>	
<p>Example 2 Polyester-and-rayon "easy-care" trousers (No bleaching).</p>	
<p>Example 3 Acrylic jersey dress (No bleaching and ironing).</p>	
<p>Example 4 White wool sweater (No bleaching and tumble drying).</p>	
<p>Example 5 Acetate satin evening dress (No washing and bleaching).</p>	
<p>Example 6 Flock-printed polyester net curtains (No bleaching, ironing, dry-cleaning and tumble drying).</p>	

#### DOCUMENT MANAGEMENT

Business Owner	Executive: Customs Investigations
Document Owner	Senior Manager Governance Compliance: Customs
Author	O Moeti
Detail of change from previous revision	The Q-code has been changed from SC-IM-01-07-A03
Template number and revision	GC-TM-11 - Rev 10

**CUSTOMS**

**EXTERNAL POLICY**

**PROHIBITED AND RESTRICTED GOODS**

**TABLE OF CONTENTS**

<b>1</b>	<b>SUMMARY OF MAIN POINTS</b>	<b>3</b>
<b>2</b>	<b>POLICY</b>	<b>3</b>
<b>3</b>	<b>RELATED INFORMATION</b>	<b>5</b>
3.1	Legislation	5
3.2	Cross References	6
3.3	Quality Records	6
<b>4</b>	<b>DEFINITIONS AND ACRONYMS</b>	<b>6</b>
<b>5</b>	<b>DOCUMENT MANAGEMENT</b>	<b>6</b>

## 1 SUMMARY OF MAIN POINTS

- a) The importation and exportation of certain goods are subject to controls required by Other Government Agencies (OGAs).
- b) The South African Revenue Service (SARS) is mandated to control prohibited and restricted goods on behalf of OGA(s).
- c) The controls are exercised through the following:
  - i) The status of goods must be declared either as new, used or second hand;
  - ii) Quota requirements;
  - iii) Permits;
  - iv) Authority;
  - v) Certificates; or
  - vi) Labelling requirements.
- d) The details of the prohibitions or restrictions are contained within the Prohibited and Restricted Imports and Exports List which is published on the SARS website.
- e) The document is applicable to commercial goods.

## 2 POLICY

- a) The OGA(s) entrusts SARS with the responsibility of enforcing controls listed in SC-CC-06-A03 through a request from the OGA to SARS Stakeholder Management.
- b) The control takes the form of:
  - i) An absolute prohibition which means that the cargo is not allowed to be imported or exported in any circumstances;
  - ii) A restriction where the client must obtain an authority before the importation or exportation of goods; or
  - iii) Declaring the status of the goods:
    - A) N for new goods;
    - B) U for used goods; and
    - C) S used for second hand goods.
- c) Prior to import or export of cargo:
  - i) The client must apply for an authority at the relevant OGA when required in terms of SC-CC-06-A03.
  - ii) The authority required in terms of SC-CC-06-A03 does not fall away where the import or export is of a temporary nature.
  - iii) The OGA communicates with the client with an authority, when all the requirements are complied with as contained within the conditions, for the relevant authority.
  - iv) The authority is submitted to SARS:
    - A) Electronically on the License and Certificate Module (LCM) interface;
    - B) By the OGA; or
    - C) By the client.
  - v) Where the authority is submitted manually:
    - A) Verification by the OGA(s) is required directly to SARS.
    - B) The authority is captured on the system.
    - C) The client must produce the authority when requested.
  - vi) Valid authorities are stored on LCM for the declaration process.
- d) The Completion of Declarations – External Annex (SC-CF-55-A01) contains requirements relating to New and Used Indicators (NUI) and Import Permit Control (IPC).
- e) Clearance of cargo through SARS:
  - i) The client submits a clearance declaration - refer to SC-CF-55 for the procedures in this regard.

- ii) Where supporting documents for the clearance are requested, the authority must also be submitted – see SC-CF-55 for submission of supporting documents.
  - iii) The client receives a CUSRES message informing him / her of the outcome:
    - A) The cargo is detained for OGA(s); or
    - B) A physical inspection is requested by Customs and the client must book for the examination with the port of entry / exit.
  - iv) Goods for which Customs declarations are rejected will remain un-cleared and must be removed to the State Warehouse and disposed of in accordance with SC-CW-01-04.
- f) Clothing, textiles and footwear
- i) Must adhere to labelling requirements. Examples of care labelling symbols that may be found on products are provided in SC-CC-32-A01.
  - ii) Not adhering to the labelling requirements identified at the time of importation will be detained. Where the non-compliance cannot be resolved such goods may only be disposed of by
    - A) Re-exporting off the African continent; or
    - B) Destroying at the cost of the importer.
- g) The valid authority is written-off electronically by LCM for the declared quantities and values as per the Customs declaration.
- h) The manually submitted authority is written-off by the OGA(s) or the Customs authority at the port.
- i) Goods in transit through South Africa do not require an authority.
- j) Clients can request information regarding the balance of their authorities from Customs Regulatory Control.
- k) Record keeping
- i) Every client must keep records for a period of five (5) years:
    - A) Books, accounts and documents in respect of all transactions relating to the Rules for the purpose of any acquittal procedure; and
    - B) Any data related to such documents created by means of a computer.
  - ii) The five (5) year period is calculated from the end of the calendar year in which the document was created, lodged or required. (Sections 101 and 101A).
  - iii) Every client must produce such books, accounts and documents on demand.
  - iv) Clients using electronic record keeping systems must ensure that:
    - A) The format that will be used has been approved by Customs;
    - B) Backups are done at the end of each business day; and
    - C) Any information contained in such electronic system can be printed upon request by a Customs Officer.
- l) Penalties
- i) Failure to adhere to the provisions of the Act is considered an offence.
  - ii) Offences may render the client liable to, as provided for in the Act:
    - A) Monetary penalties - see SC-CO-01-02; or
    - B) Criminal prosecution; or
    - C) Suspension or cancellation of their deferment account, registration, license, accreditation and/or designation.
- m) Promotion of Administrative Justice Act
- i) The Promotion of Administrative Justice Act (PAJA) No. 3 of 2000 gives effect to everyone's right to administrative action that is lawful, reasonable and procedurally fair. Any person whose rights have been adversely affected by administrative action has the right to be given written reasons, as contemplated in Section 33 of the Constitution of the Republic of South Africa, 1996. PAJA:
    - A) Provides for the review of administrative action by a court or where appropriate, an independent and impartial tribunal;
    - B) Imposes a duty on the State to give effect to those rights;

- C) Promotes an efficient administration as well as good governance; and
  - D) Creates a culture of accountability, openness and transparency in the Public Administration or in the exercise of a public power or the performance of a public function, by giving effect to the right to just administrative action.
- ii) Administrative action which significantly and unfavourably affects the rights or valid expectations of any person must be procedurally fair. A fair administrative procedure depends on the circumstances of each case.
  - iii) A person must be given:
    - A) Written reasons of the nature and purpose of the proposed administrative action;
    - B) A reasonable opportunity to make representations;
    - C) A clear statement of the administrative action; and
    - D) Adequate notice of any right of review or internal appeal, where applicable.
  - iv) Just administrative action requires the Customs Officer to consider all the facts presented and obtained in addition to affording the client the opportunity to be heard, prior to instituting any administrative action.
  - v) Before administrative action can be taken by Customs the client must be allowed the opportunity to:
    - A) Obtain assistance and, in serious or complex cases, legal representation;
    - B) Present and dispute information and arguments; and
    - C) Appear in person.
  - vi) Clients whose rights have been significantly and unfavourably affected by administrative action and who have not been given reasons for the action may, within **thirty** (30) days after the date on which the client became aware of the action, request Customs to furnish written reasons for the action.
  - vii) Customs must within **forty five** (45) days after receiving the request, give the client adequate reasons in writing for the administrative action. If Customs fails to furnish adequate reasons for the administrative action, it is presumed in any proceedings for judicial review, that the administrative action was taken without good reason.
- n) Appeals Against Decisions
- i) In cases where the clients are not satisfied with any decision taken in terms of the Customs and Excise Act they have a right of appeal to the relevant appeal committee. The policy in this regard, as well as the process to be followed, is contained in document SC-CA-02.
  - ii) Clients who disagree with a decision of any appeal committee have the right to lodge an application for ADR (Alternative Dispute Resolution) with the relevant appeal committee. The committee will add its comments thereto and forward the application to the ADR Unit for attention. The policy in this regard, as well as the process to be followed is contained in document SC-CC-26.

### 3 RELATED INFORMATION

#### 3.1 Legislation

TYPE OF REFERENCE	REFERENCE
Legislation and Rules administered by SARS:	<p><b>Customs and Excise Act No. 91 of 1964:</b> Sections 38(1), 39(1)(a), 39(1)(c), 40(3), 43(1), 43(7), 107(2)(a)(i) and 113(1)(b) and (h); (2); (4); (7); (8)(a) - (d) and (9)</p> <p><b>Customs and Excise Rules:</b> None</p> <p><b>Value-Added Tax Act No.89 of 1991:</b> Section 13(1)</p> <p><b>Tax Administration Act No.28 of 2011:</b> Sections 215 to 220 and 224</p>
Other Legislation:	<p><b>Promotion of Administrative Justice Act No. 3 of 2000:</b> Section 3</p> <p><b>Interpretation Act No. 33 of 1957:</b> Sections 2 and 4</p>
International Instruments:	<p><b>Kyoto Convention Specific:</b> General Annex Chapter 3 – Clearance and other Customs formalities, Chapter 6 – Customs control, and Chapter 8 – Relationship between the Customs and third parties</p> <p><b>WCO SAFE Framework of Standards:</b> Annex 1 Standard 1.2, 1.3, 2.1, 2.2, and 2.3</p>

### 3.2 Cross References

DOCUMENT #	DOCUMENT TITLE
SC-CA-02	Internal Administrative Appeal – External Policy
SC-CC-26	Alternative Dispute Resolution – External Policy
SC-CC-32-A01	Care Labelling – External Annex
SC-CF-55	Clearance Declarations – External Policy
SC-CF-55-A01	Completion of Declarations – External Annex
SC-CO-01-02	Offences and Penalties – External Policy
SC-CW-01-04	State Warehouse - External Policy

### 3.3 Quality Records

Number	Title
SAD 500	Customs Declaration
-	All authorities

## 4 DEFINITIONS AND ACRONYMS

<b>ADR</b>	Alternative Dispute Resolution
<b>Authority</b>	In the context of the document, refers to permit, certificate, license, quota, letter of authority or New Used Indicator
<b>IPC</b>	Import Permit Control
<b>LCM</b>	License Certificate Module
<b>N</b>	The abbreviation to indicate new goods applies to all goods which are not indicated used or second hand
<b>Material</b>	The equipment, apparatus and supplies of a military force. It can apply to weapons, aircraft, parts, support equipment, ships, and almost any other type of equipment used by the military.
<b>NUI</b>	New Used Indicator
<b>OGA</b>	Other Government Agency
<b>Prohibited Goods</b>	Goods that are forbidden by law from entering the country
<b>Restricted Goods</b>	Goods which require permits, certificates or authorisations before a Customs declaration can be processed
<b>S</b>	The abbreviation to indicate second hand goods that were or is assumed to have been used for: <ul style="list-style-type: none"> <li>a) The purpose it was designed for, excluding use by the manufacturer for testing and evaluation purposes; or;</li> <li>b) Any other purpose whatsoever, resulting in that such goods reflect signs of use, ageing, deterioration, modification or alterations that include but are not limited to: <ul style="list-style-type: none"> <li>i) Damage;</li> <li>ii) Shop soiled; and</li> <li>iii) Outdated products</li> </ul> </li> </ul>
<b>SSM</b>	SARS Service Manager
<b>U</b>	The abbreviation for any goods or parts thereof that was or assumed to have been previously owned, possessed, held and / or registered by or in the name(s) of any person or entity, excluding the manufacturer, wholesaler or retailer of the goods concerned.

## 5 DOCUMENT MANAGEMENT

<b>Policy Owner</b>	Senior Manager: Policy and Procedure (Customs)
<b>Detail of change from previous revision</b>	Corrected the word numbering in the Paja paragraph
<b>Template number and revision</b>	GC-TM-03 - Rev 9

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**TRADE DESCRIPTION REQUIREMENTS: A GUIDE TO IMPORTERS OF CLOTHING,  
TEXTILES, SHOES AND LEATHER GOODS: GUIDE NUMBER 001/05/2022**

**1. DISCLAIMER**

- 1.1 This guidance is published by the national consumer Commission (the NCC) in terms of section 96 (b) (i) of the Consumer Protection Act, 2008 (No. 68 of 2008) (CPA).
- 1.2 The guidance which the NCC provides, does not relieve the user of the guide from their responsibility to exercise their own skill and care in relation to the user's legal position.
- 1.3 This guide does not provide legal advice and is not intended to replace the CPA and Regulations issued published thereunder.
- 1.4 The NCC accepts no liability for any loss suffered as a result of reliance on this publication.

**2. BACKGROUND**

- 2.1 The Consumer Protection Act (CPA) was enacted in order to:
- promote and protect the economic interests of consumers;
  - improve access to, and the quality of information that is necessary so that consumers are able to make informed choices according to their individual wishes and needs;
  - protect consumers from hazards to their well-being and safety;
  - develop effective means of redress for consumers.
- 2.2 Section 24 of the CPA stipulates the requirements placed entirely on the importers who intend to bring clothing, textiles, shoes and leather goods into the Republic and highlight the related trade description required.
- 2.3 The National Consumer Commission (NCC) is responsible for exercising the functions assigned to it in terms of the CPA, which include the enforcement powers and promoting public awareness of consumer protection matters.

2.4 The NCC hereby issues this Guide to assist importers to comply with the CPA.

### 3. DEFINITIONS:

For the purposes of these Guidelines, the following terms shall have the following meanings:

**“Clothing”** means Clothing as listed in Chapter 61, 62 and 65 of the Harmonized Customs Tariff.

**“CPA”** means the Consumer Protection Act 68 of 2008

**“CPA Regulations/Regulations”** means the Consumer Protection Act 2008 (Act 68 of 2008) Regulations

**“Exempted Goods”** mean those Goods referred to in Regulation 6 (2) of the CPA Regulations, being:

- (a) textiles so small in size that labelling is not reasonably possible.
- (b) second-hand clothing imported for charity purposes; or
- (c) goods where the number of goods imported by a natural person does not exceed 1 000 single items in any one calendar month.

NB: Goods imported for marketing purposes are not exempted Goods even if they satisfy the definition of Exempted Goods.

**“Harmonized Customs Tariff”** means the Customs and Excise Tariff

**“Leather/leather Goods”** mean Leather Goods as listed in Chapter 42 and 43 of the Harmonized Customs Tariff

**“Shoes”** means shoes as listed in Chapter 64 of the Harmonized Customs Tariff

**“Textiles”** means Textiles as listed in Chapter 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60 and 63 of the Harmonized Customs Tariff

**“Trade Description”** means any description as to the information required in terms of Section 24(5) (a) and (b) of the CPA, read with Regulation 6(1) of the CPA Regulations

#### **4. APPLICATION OF THESE GUIDELINES:**

- 4.1 These Guidelines apply to a Trade Description required to be applied to the Goods listed in Annexure “D” of the CPA Regulations.
- 4.2 These Guidelines amend, replace and substitute all Guidelines previously published relating to application of a Trade Description to those Goods listed in Annexure “D” of the CPA Regulations.

#### **5. APPLICATION OF CPA- TRADE DESCRIPTION REQUIREMENTS:**

- 5.1 The CPA Trade Description requirements apply to all categories of goods except exempted goods. Where the CPA does not apply, the goods may still be required to comply with other legislation, including the Counterfeit Goods Act and the Trademarks Act; however, such goods fall outside the scope and mandate of the National Consumer Commission;
- 5.2 When an Importer intends to import clothing, textile, shoes and leather goods into the Republic, it is recommended for the Importer to follow this guide at the time of importation in determining whether the said goods are required to comply with the CPA and its Regulations, as well as the applicable SABS’s SANS standards, to ensure that the goods are compliant at the time of arriving at the South African ports of entry:
  - 5.2.1 Determine what the tariff codes for the goods are and whether they are listed in Annexure “D” of the CPA Regulations
  - 5.2.2 Annexure “D” of the CPA Regulations specify three categories of Goods, namely:
    - a) **Textiles** as listed in Chapter 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60 and 63 of the Harmonized Customs Tariff.
    - b) **Clothing** as listed in Chapter 61, 62 and 65 of the Harmonized Customs Tariff.
    - c) **Shoes and leather goods** as listed in Chapter 42, 43 and 64 of the Harmonized Customs Tariff.

- 5.3 If the Goods fall within the above-mentioned categories, they need to comply with the Trade Description requirements of the CPA and its Regulations:

## 6. OBLIGATIONS OF THE IMPORTERS

- 6.1 Imported goods are required to have trade description attached to them in a conspicuous and legible manner stating clearly, before shipment to ensure that the goods are compliant at the time of arriving at the South African ports of entry:
- a) The country in which they were manufactured, produced or adapted (Country of Origin);
  - b) Care labelling;
  - c) Fibre Content;
  - d) If the goods have been reconditioned, adapted, rebuilt or remade, a trade description stating clearly that the goods have been reconditioned, adapted, rebuilt or remade;
  - e) The trade description must comply with Section 22 of the CPA in that it must be in plain language (not in a foreign language)
- 6.2 The above Trade Description must not be misleading.
- 6.3 The trade description must be clearly legible, and the labelling material shall be capable of lasting throughout the useful life of the labelled product.

## 7. TRADE DESCRIPTION REQUIRED IN RESPECT OF THE DIFFERENT CATEGORIES OF GOODS:

### 7.1 TEXTILES AND CLOTHING

**Textiles** as listed in Chapter 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60 and 63 of the Harmonized Customs Tariff and **Clothing** as listed in Chapter 61, 62 and 65 of the Harmonized Customs Tariff:

- a) Country of Origin;
- b) Care labelling;
- c) Fibre Content;
- d) If the goods have been reconditioned, adapted, rebuilt or remade, a trade description stating clearly that the goods have been reconditioned, adapted, rebuilt or remade;
- e) The trade description must not be altered, defaced, covered, removed or obscured;

- f) A correct Trade Description (the applied Trade Description must not be misleading)
- g) The trade description must comply with Section 22 of the CPA in that it must be in plain language (not in a foreign language)

## 7.2 SHOES AND LEATHER GOODS

**Shoes and leather goods** as listed in Chapter 42, 43 and 64 of the Harmonized Customs Tariff.

- 7.2.1 All the above requirements (in 6.1) apply, with the exclusion of Care labelling and Fibre content.
- 7.2.2 At this stage, there is no legal requirement that Shoes and Leather Goods need to conform to the South African national standards for fibre content and care labelling in accordance with the provisions of Government Notice No. 2410 of 2000, published in the Gazette of 30 June 2000;
- 7.2.3 The importation of Shoes / Footwear under HS 64 is included in the SARS Customs Prohibited and Restricted import and export list requiring:

If CITES listed species, a permit is required from the Nature Conservation Authority (leather such as seal, crocodile, snake)

Clothing, textiles and footwear

- i) Must adhere to Trade Description requirements. Examples of care labelling symbols that may be found on products are provided in SC-CC-32-A01.
- ii) Not adhering to the Trade Description requirements identified at the time of importation will be detained. Where the non-compliance cannot be resolved, such goods may only be disposed of by:
  - A) Re-exporting off the African continent; or
  - B) Destroying at the cost of the importer.

## 8. HOW SHOULD TRADE DESCRIPTION BE APPLIED TO THE GOODS:

The required trade description must be applied to the various categories of Goods in the following manner:

## **8.1 TEXTILES:**

- 8.1.1 Directly on the fabric; or
- 8.1.2 On a label securely attached to the textiles in such a manner that the symbols are clearly visible and no part of the symbols is obscured; or
- 8.1.3 On the packaging or on a label firmly attached to the packaging; or
- 8.1.4 When textiles are passed between processors (e.g. fibre processors, yarn spinners, fabric knitter, fabric weaver, leather processor, coaters or finishers of synthetic leather, leather and general goods manufacturer, or clothing, home textile or footwear manufacturer, etc) and are not offered for sale to the consumer, a trade description may be contained in the commercial documents that accompany the goods, such as the invoice, receipt, brochure or pamphlet, relating to the specific textile. The commercial document must accompany the goods at the time of Importation and not be acquired at a later stage. It is expected that such document be submitted to Customs at the time of declaration.
- 8.1.5 All trade description requirements apply even in unfinished products.

## **8.2 CLOTHING:**

- 8.2.1 Directly on the clothing; or
- 8.2.2 On a label securely attached to the clothing in such a manner that the symbols are clearly visible and no part of the symbols is obscured.
- 8.2.3 When products are sold as a complete unit, for example a skirt and a top, only one label or indication of the trade description is required, provided that the items comprising the complete unit will withstand the same care treatment.

### **8.3 SHOES AND LEATHER GOODS.**

8.3.1 Directly on the Goods; or

8.3.2 On a label securely attached to the goods in such a manner that the symbols are clearly visible and no part of the symbols is obscured.

### **9. AT WHAT STAGE IS THE TRADE DESCRIPTION TO BE APPLIED TO THE GOODS:**

9.1 The Trade Description requirements apply to goods at the time of importation, before shipment to ensure that the goods are compliant at the time of arriving at the South African ports of entry;

9.2 It is the duty of the importer to ensure that its supplier supplies goods that are compliant. It is not an excuse for the importer to allege that its supplier failed to follow instructions or that the supplier was not aware of the Trade Description requirements;

9.3 Non-compliance cannot be corrected/rectified by allowing the non-compliant goods to be labelled within the Republic or in the Ports;

9.4 Importers are encouraged to familiarise themselves with the following SANS standards:

**SANS-10235-2007 - Fibre-content labelling of textiles and textile products**

**SANS 10011-2007 – Care-labelling of textile piece goods, textile articles and clothing**

**SANS 8592-2-2019 - Size designation of clothes**

**SANS 3058:2019 - Textiles - Care labelling codes using symbols**

**SANS 10153:2019 - The labelling and marking of textiles and household textile**

### **10. CONSEQUENCES OF NON-COMPLIANCE:**

10.1 Not adhering to the Trade Description requirements identified at the time of importation will be detained and such goods may only be disposed of by

(a) Re-exporting off the African continent; or

(b) Destroying at the cost of the importer

10.2 In addition to Exportation or destruction of the Goods, an administrative fine may be imposed in terms of Section 112 of the CPA. The administrative fine may not exceed the greater of—

(a) 10 per cent of the respondent's annual turnover during the preceding Financial year; or

(b) R1 000 000 (One Million Rands Only).

Issued on behalf the National Consumer Commission on this <sup>28<sup>th</sup></sup> Day of  
*June* 2022



Mr. Jabulani Mbeje

Divisional Head: Legal Services

National Consumer Commission