

NOTICE 722 OF 2013**DEPARTMENT OF TRADE AND INDUSTRY****MERCHANDISE MARKS ACT, 1941(ACT 17 OF 1941)****PROPOSED PROHIBITION ON THE USE OF CERTAIN WORDS**

I, Dr Rob Davies, Minister of Trade and Industry, in pursuance of the requirements of Section 13 of the Merchandise Marks Act, (Act 17 of 1941), hereby give notice that the South African Rooibos Council ("SARC") has conveyed a request for the prohibition, in terms of Section 15(1) of the said Act, on the use of the words indicated hereunder in connection with any trade, business, profession, or occupation or in connection with a trade mark, mark or trade description applied to goods, other than the use thereof by SARC members or any other party **in accordance with** the "*Rules of Use for Rooibos*", published as annexure to this notice.

Proprietors of prior identical or similar marks already in use will not be affected by this prohibition.

ROOIBOS**RED BUSH****ROOIBOSTEE****ROOBOS TEA****ROOITEE****ROOIBOSCH**

Interested persons are invited to submit, in writing such representations as they may care to make in regard to this matter to the Registrar of Trade Marks, Private Bag X400, Pretoria, 0001, to reach her within 30 days of the publication of this notice.



Dr Rob Davies, MP
Minister of Trade and Industry

ANNEXURE

The labeling of ROOIBOS and the Rules of Use of ROOIBOS

The name ROOIBOS can only be used to refer to the dry product, infusion or extract that is 100% pure Rooibos – derived from *Aspalathus linearis* and that has been cultivated or wild-harvested in the geographic area as described in this application.

Rooibos may be blended with teas, infusions and other products, whether or not for human consumption. The labeling of such products must conform with the rules applicable to labeling of products in the territory where the product is marketed.

As a guide, the following are considered by the South African Rooibos Council as compatible with use of the name ROOIBOS:

- To carry as product designation "Rooibos", the final product must contain 100% *Aspalathus linearis* or at least adhere to the statutory standard.
- If it is a Rooibos blended tea or infusion, Rooibos can be used as the main descriptor ("*Rooibos <<other product>>*") provided that:
 - Rooibos is the main ingredient
 - The exact percentages appear on the label/packaging
 - The final product must still be recognizable as Rooibos, as characterized in the description of the product.
- If it is a blended tea or infusion, it can be called "<<other product>> and Rooibos blend" as descriptor only if it contains Rooibos, and on conditions that:
 - Rooibos provides a distinctive character to the product.
 - The exact percentage of the Rooibos content appears on the label/packaging.
 - The product with the highest percentage appears first on the label.
- Rooibos flavoured tea or infusions with liquid flavourants ("flavoured Rooibos") can be called "*Rooibos <<liquid flavourant>>*" on the conditions that:
 - Rooibos is the main ingredient (after water).
 - The exact percentage of Rooibos content appears on the label/packaging.
 - The final product must still be recognizable as Rooibos, as characterized in the description of the product.
- Following guidance from the SA Rooibos Council, other products (for instance extracts, soaps, cream, yoghurts, liquor, etc.) may be called "*Rooibos <<other product>>*" only if it contains Rooibos, and on the conditions that:
 - "Rooibos" (or "*Aspalathus linearis*") appears on the list of ingredients.
 - It can be proven that Rooibos adds to the characteristics of the product.