

NOTICE 817 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 Honeybush Tea Association ("SAHTA") 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 SAHTA members or any other party in accordance with the "*Rules of Use for Honeybush*", published as annexure to this notice.

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

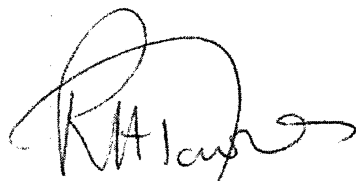
HONEYBUSH

HEUNINGBOS

HONEYBUSH TEA

HEUNINGBOS TEE

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

MERCHANDISE MARKS ACT, 1941 (ACT 17 OF 1941)**PROPOSED PROHIBITION ON THE USE OF CERTAIN WORDS****ANNEXURE****The labeling of HONEYBUSH and the Rules of Use of HONEYBUSH**

The name "Honeybush" can only be used to refer to the dry product, infusion or extract that is 100% pure Honeybush – derived from *Cyclopia spp.*, and which has been cultivated or wild-harvested in the geographic area as described in the article.

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

As a guide, the following are considered by the South African Honeybush Tea Association as compatible with use of HONEYBUSH:

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