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# CHIPS

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# Responsibility of role-players in the pesticide value chain to strictly adhere to label instructions

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**T**he label is the legal document of a pesticide. Regulation No R1716 of 26 July 1991, of the Fertilizers, Farm Feeds, Agricultural Remedies and Stock Remedies Act, 1947 (Act No 36 of 1947) stipulates that a pesticide must be used strictly according to label instructions. This means that a pesticide may only be used for the crop or situation indicated on the label; for the pest, disease or weed indicated; in the dosage indicated; and by the application methods indicated on the label.

## Pesticide usage recommendations

Whether verbal, written, printed or electronic, recommendations for the use of a pesticide made by any person or institution of whatever nature, must be strictly according to the label instructions. No person may offer advice, guidance, or recommendations on pesticides contrary to their label instructions.

Manufacturers, registration holders, distributors, agents, crop advisors, technical

advisors, consultants, co-operative personnel, retail personnel or any person in whatever capacity, may only advise producers on the use of pesticides according to the label instructions of the products.

## Sales and application

Pesticides may only be sold or offered for sale for the purposes and applications as directed by the label instructions. No person in whatever capacity may sell or offer a pesticide for sale for any other purposes, or for any other application methods, than those instructed by the label.

A pesticide may only be applied for the purposes and by the application methods as instructed by the label. A producer who experiences poor pesticide performance or whose crops suffer damage due to applying pesticides contrary to label instructions (off-label) of his or her own accord, or whether upon the advice, guidance or recommendation of any other

person or institution, has no claim against any other party, since the producer contravened Regulation No R1716 of the Act.

Any person who advises, guides, or recommends the use of a pesticide to a producer, 'sells' the pesticide to the producer because the definition of 'sell' in Act No 36 of 1947 covers all forms of promoting the use of a pesticide.

A consultant, distributor, crop advisor, agent, sales representative or any person or institution of whatever nature who advises, guides, or recommends the use of a pesticide, or sells such a pesticide contrary to its label instructions, contravenes Regulation No R1716.

## Producers' responsibility

It is the producer's duty to ascertain whether the advice, guidance or recommendation offered by any person or institution of whatever nature, corresponds with the label instructions of the pesticide for which such advice, guidance or recommendation is offered. It is also the producer's duty to check whether pesticides offered for sale are offered according to the purposes and application methods as directed by the label instructions.

## Common contraventions

Some of the most common contraventions of Regulation No R1716 include:

- Offering advice, making recommendations, or offering guidance contrary to label instructions of the pesticide.



- Accepting off-label advice, guidance or recommendations from any person or institution, and implementing such advice, guidance or recommendations when applying the pesticide.
- Selling or offering a pesticide for sale for purposes or application methods not indicated on the label.
- Disposing of (giving away or donating) a pesticide for purposes or application methods other than those directed by the label instructions.

Pesticides are developed for specific purposes and specific application methods. The data is submitted by the manufacturer or supplier to the Registrar of Act 36 of 1947, who registers pesticides for the purposes and application methods as applied for, based on the data submitted.

Any other purposes or application methods can therefore not be verified or validated and are not approved by the Registrar, since the Registrar

cannot evaluate any purposes or application methods that have not been submitted for evaluation.

### Consequences of off-label use

Most cases of crop damage and poor pesticide performance can be traced back to off-label use. Producers who apply pesticides off-label are at great risk of crop damage or losses due to poor pesticide performance or phytotoxicity.

Apart from pesticide performance failure and crop damage due to off-label use, the Registrar is mandated in terms of Act 36 of 1947 to impose certain conditions upon any registered pesticide, such as restricting its use to pest control operators.

The Registrar may also cancel the registration of any pesticide if he is of the opinion that the pesticide is being misused, such as for off-label use. This means that off-label use of a pesticide may result in the pesticide being cancelled and no longer being made available to

farmers, or being restricted for usage by pest control operators only. 📍

This article is Monograph 3 of the Potato Production Stewardship Programme – A collaborative initiative of Potatoes South Africa, CropLife South Africa and the Insecticide Resistance Action Committee. For more information, contact Dr Verdoorn at [gerhard@CropLife.co.za](mailto:gerhard@CropLife.co.za). Producers can subscribe to CropLife Agri-Intel by visiting [www.agri-intel.com](http://www.agri-intel.com).



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