



**IN THE HIGH COURT OF SOUTH AFRICA
(WESTERN CAPE DIVISION, CAPE TOWN)**

JUDGMENT

Not Reportable

Case no: 6915/2024

In the matter between:

SWARTLAND KELDER (PTY) LTD

APPLICANT

and

WINE AND SPIRIT BOARD

FIRST RESPONDENT

APPEAL BOARD

SECOND RESPONDENT

MARELISE NIEMANN WINES

THIRD RESPONDENT

TRIZANNE SIGNATURE WINES

FOURTH RESPONDENT

WINE CERTIFICATION AUTHORITY

FIFTH RESPONDENT

MINISTER OF AGRICULTURE

SIXTH RESPONDENT

Neutral citation: *Swartland Kelder (Pty) Ltd v Wine and Spirit Board and Others*

(Case no 6915/2024) [2025] ZAWCHC ... (24 October 2025)

Coram: NUKU J

Heard: 27 August 2025

Delivered: 24 October 2025

Summary: Administrative law – application to review and set aside decisions approving wine labels under the Wine of Origin Scheme (the Scheme) established by the Minister of Agriculture in accordance with s 14(1) of the Liquor Products Act 60 of 1989 (LPA).

Declaratory relief - Mootness – whether the amendment of the provisions of s 23 of the Scheme made the dispute about the interpretation of that section moot, even though the decisions being challenged were made before the amendment.

Locus standi – whether a registered trademark owner has standing to challenge a decision to approve a wine label that may infringe on rights granted under Trade Marks law.

Delay – whether the conclusion of an internal appeal occurs when the decision is made or when it is communicated to the affected party.

Statutory Interpretation – whether the provisions of s 23(3) of the Scheme empowered the Wine and Spirit Board, established in terms of s 2 of the LPA, to approve a wine label only if the expression or abbreviation “**W.O**” / “**WINE OF ORIGIN**” / “**WYN VAN OORSPRONG**” appears next to each and every instance on the label where the area of production of the wine is indicated, subject to the provisions of section 11(6) of the Liquor Products Act 60 of 1989 (“the Act”).

ORDER

It is ordered that:

- (a) the first respondent and fifth respondent are only empowered in terms of the Wine of Origin Scheme (prior to its amendment in terms of R.6003 in GG 52342 of 20 March 2025) to approve a wine label if the expression or abbreviation **“W.O” / “WINE OF ORIGIN” / “WYN VAN OORSPRONG”** appears next to each and every instance on the label where the area of production of the wine is indicated, subject to the provisions of section 11(6) of the Liquor Products Act 60 of 1989 (“the Act”).

- (b) The first respondent’s decisions, communicated to the applicant on 10 November 2021, to approve the following wine labels in terms of the Wine of Origin Scheme under the Act, are reviewed and set aside:
 - (i) the third respondent’s **“CAPE GARDEN 2020 SWARTLAND CHENIN BLANC”** label;
 - (ii) the fourth respondent’s **“DAWN PATROL CINSULT ROSÉ | 2021 SWARTLAND”** label; and
 - (iii) the fourth respondent’s **“DAWN PATROL CHENIN BLANC | 2021 SWARTLAND”** label.

- (c) The second respondent’s decision, communicated to the applicant on 12 October 2023, to dismiss the applicant’s appeal lodged in terms of section 22 of the Act against the first respondent’s decisions referred to in paragraph (b) is reviewed and set aside;

(d) The fifth respondent is to pay the applicant's costs, including the costs of two counsel on scale C.

JUDGMENT

Nuku J

Introduction and factual background

[1] The controversy in this case centres on wine labelling. Wine labelling is regulated under the Wine of Origin Scheme (**the Scheme**), which the fifth respondent, the Minister of Agriculture (**Minister**), established under section 14(1) of the Liquor Products Act 60 of 1989 (**LPA**).

[2] The first respondent, the Wine and Spirit Board (**the Board**), was previously responsible for approving wine labels under the Scheme. This remained the case until the LPA was amended by the Liquor Products Amendment Act 8 of 2001 (**the Amendment Act**), which led to the creation of the fifth respondent, the Wine Certification Authority (**the Authority**), in August 2023. The Authority now handles wine label approvals and has taken over the Board's role, as the Board made the decisions that feature in this litigation.

[3] The origin of the requirement for regulating wine labels can be traced back to s 11(1) of the LPA, which prohibits the sale of liquor products in a container unless certain prescribed particulars are indicated on the label in the prescribed manner. The general requirements for the prescribed particulars to be shown on

wine container labels are outlined in Part 2 of the Regulations promulgated under the LPA (**Regulations**), as well as sections 23 and 24 of the Scheme.

[4] The objects of the Scheme include verifying the accuracy of certain claims related to the wine's origin and instilling confidence in such claims. To achieve these objects, s 24(2) of the Scheme requires wine labels to specify the geographic area from where the wine originates, along with the phrase or abbreviation 'W.O/ WINE OF ORIGIN / WYN VAN OORSPRONG' (**the wine of origin expression**).

[5] Section 24(6) explains how the details specified under s 24(2) must appear on the labels, with subsection 24(6)(a) stating that these details must be displayed on one or more labels permanently affixed to the relevant container within the same visual field as the details mentioned in regulation 33(1) of the Regulations.

[6] Swartland is one of the wine-producing regions. When a wine producer wants to indicate that their wine is from Swartland, they can include Swartland on the label along with the wine of origin expression displayed in the manner prescribed by subsection 24(6)(a).

[7] There is a narrow exception for the applicant that allows the use of Swartland on wine labels without the wine of origin expression, in certain circumstances, because the applicant owns the registered trademark SWARTLAND in class 33 for products including wine.

[8] To comply with section 24(2) and (6), wine producers planning to sell their wine in containers, and who are subject to the Scheme, must submit their labels for approval by the Authority before attaching them to the containers. Before the amendment of the LPA mentioned above, applications were submitted to the Board.

[9] At some point, the applicant realized that the Board had approved wine labels that did not comply with the provisions of the Scheme and the LPA. Its legal representatives addressed the issue with the South African Wine Industry Information and Systems (**SAWIS**), which the Board had contracted to handle some of its daily operations.

[10] The Board responded, disputing that it had approved wine labels that did not comply with the provisions of the Scheme and the LPA. It referenced s 23 of the Scheme, which it claimed ‘... allows for the use on a label of the appropriate name of an origin area without the expression “Wine of Origin” or “W/O” as long as such name and such expression are also used on a label within the same field of vision as any other mandatory particulars, both in terms of the Wine of Origin scheme and in terms of the Regulations.’ In a subsequent letter, the Board clarified that its position was based on its interpretation of s 23(3)(c) read with s 23(4)(c) and s 24(1)(c) of the Scheme.

[11] On 10 November 2021, at the request of the applicant, the Board provided copies of three labels it had approved in October 2021. One of them was in respect of the third respondent’s “Momento GRENACHE NOIR SWARTLAND 2020”. The remaining two were in respect of the fourth respondent’s “*DAWN PATROL*

CHENIN BLANC | 2021 SWARTLAND” and “*DAWN PATROL CINSAULT ROSÉ | 2021 SWARTLAND*”.

[12] Noting that the three labels were approved despite the lack of the wine of origin expression next to Swartland, the applicant appealed the decision to approve these labels under s 22 of the LPA (**s 22 Appeal**). The second respondent dismissed the s 22 Appeal, stating that the applicant had filed its appeal outside the prescribed timeframes.

[13] The applicant turned to this Court seeking the review and setting aside of the decisions to approve the three wine labels mentioned above, as well as the second respondent’s decision to dismiss its appeal (**the review relief**). The applicant also seeks an order substituting these decisions with an order refusing to approve the third and fourth respondents’ wine labels (**the substitution relief**).

[14] Noting that the main point of disagreement with the Board was whether it is permissible to use the name of the production area, in this case Swartland, without referencing the wine of origin expression when the name of the production area appears multiple times on a label, the applicant also seeks a declaratory order that the Board was only authorized, under the Scheme, to approve a wine label if the wine of origin expression appears directly above, below, or next to each instance where the name of the production area of the wine is indicated, subject to the provisions of s 11(6) of the LPA (**the declaratory relief**).

[15] Only the authority opposes the application, and it does so on various grounds. The first ground of opposition, which was only raised in the Authority's heads of argument, is that the application has become moot because (a) the Minister has amended s 23 of the Scheme by inserting a provision stating that, where the name of the production area of wine appears multiple times on a label, it is sufficient if the wine of origin expression appears once, and (b) the winemakers submit new applications for approval of labels for each new annual harvest.

[16] The second ground of opposition is that the applicant lacks the legal standing to bring these proceedings. This is because (a) the decision to approve the third and fourth respondents' wine labels did not negatively impact the applicant's rights, (b) the fourth respondent did not proceed to print any copies of the approved wine labels, (c) the third respondent's wines with the approved labels can only be exported since the third respondent is registered as an exporter of wine rather than a wine trader, (d) the applicant did not claim to have experienced any prejudice due to the approval of the wine labels, and (e) the approved labels complied with the applicable provisions of the LPA, Regulations, and the Scheme.

[17] The third ground of opposition is that the applicant delayed in bringing the review application. The allegation is that the applicant should have brought the review within 180 days from the date the appeal was concluded, which is 11 September 2023. Instead, the applicant brought the appeal on 8 April 2024, which is outside of the statutory prescribed timeframe of 180 days. To compound the delay, it was also asserted that the applicant effectively brought the review on 23 August 2024 after the joinder of the Authority as a party to the application.

[18] Finally, the fourth ground of opposition on the merits concerns the interpretation of the relevant provisions of the Scheme, specifically whether the Scheme authorised the Board to approve the use of the wine of origin expression only once when the name of the production area appears multiple times on a wine label. I will address each of these grounds of opposition below, starting with the issue of mootness.

Mootness

[19] The Board derived its authority to approve wine labels from s 23 of the Scheme, and of relevance to this application are subsections (1) and (3), which read as follows at the relevant time:

‘(1) No person shall affix a label to a container of wine intended for certification unless the board has approved such label for use in connection with the wine concerned.

(2)...

(3) Such application shall be approved only if the board is of the opinion that-

- (a) the applicable particulars required by the Act are indicated on the labels concerned in the manner required by the Act;
- (b) the applicable particulars referred to in section 24 of this Scheme are indicated on the labels concerned in the manner required in that section; and
- (c) any other word, expression, illustration or depiction on the labels concerned complies with the requirements set out in subsection (4).’

[20] In its amended form, s 23 of the Scheme now has a new provision (subsection (4)(J)) which reads as follows: ‘It may, if the particulars required in terms of regulation 24(2) have been indicated once as set out in regulation 24(6), be the name of the geographical unit, region, district or ward concerned, with or without the expression “wine of origin” or “wyn van oorsprong” or the abbreviation “W.O”’.

[21] As mentioned earlier, s 24(2) of the Scheme outlines the details that must be indicated on the wine labels, with s 24(6) specifying how these should be displayed. These provisions, in the relevant parts, read:

‘(2)(a) The following particulars shall be indicated on the labels of the containers of a wine of origin:

(i) the name under which the geographical unit, region, district or ward concerned defined;

(ii) the expression “wine of origin” or “wyn van oorsprong” or the abbreviation “W.O”...

(b) the expression or abbreviation referred to in paragraph (a)(ii) shall be indicated immediately above or below or next to the defined name of the region, district, or ward concerned. ...

6 Subject to the provisions of subsection (7), the particulars that must be indicated in terms of subsection (2) must be –

(a) indicated on one or more labels permanently attached to the relevant container within the same field of vision as the particulars stated in regulation 33(1) of the Regulations issued under this Act;

(b) clearly distinguishable from any other particulars, illustrations or representations on the relevant label;

(c) indicated in letters-

- (i) which are the same colour, type and size in each particular instance;
- (ii) which appear on a uniform and clearly contrasted background;
- (iii) which are clearly legible;
- (iv) which are permanently printed; and
- (v) of which the minimum vertical height, depending on the capacity of the container concerned, must be as specified in column 2, 3 or 4 of Table 3 opposite that particular detail.’

[22] The amendment of s 23 of the Scheme was part of the amendments published in the Government Gazette number GG52432 of 20 March 2025, after all the documents had been filed. The result is that the amendment was not discussed in the papers.

[23] I did not, however, understand the Authority to be suggesting that the decisions made by the Board before the amendment of s 23 would be affected by the amendment. If that was the argument, it would undoubtedly be an unsustainable one that is at odds with the presumption against retrospective amendment legislation.

[24] The Authority's argument was not well expressed, making it difficult to follow. In one sentence, it was claimed that declaratory relief is moot because the challenge to the Board's decisions does not involve 'an existing or living controversy'. The confusing part is why the declaratory relief should be dismissed if the challenge to the Board's decisions no longer presents a live controversy, rather than the review relief.

[25] However, the argument that challenging the Board's decisions does not involve an existing controversy is factually incorrect because the Board's decisions exist both in fact and law. This, on its own, answers the mootness question regarding the review relief and should resolve the debate on whether the application should be dismissed on the grounds of mootness.

[26] To the extent that the Authority's argument was that there is no point in the declaratory relief due to the amendment of s 23 of the Scheme, while there may be some merit in that argument, the need to consider the declaratory relief arises from its role in addressing the fundamental issue of whether the Board was competent to act as it did.

[27] Relative to the review relief, it was submitted on behalf of the Authority that the review relief has become moot because the third and fourth respondents will submit new applications for wine label approval with each new annual harvest.

[28] While it is true that the third and fourth respondents will be submitting new applications, a decision on those applications does not affect the decisions the applicant is challenging in these proceedings.

[29] Having considered all the above, I conclude there is no merit to the mootness point. To recap, the decisions made by the Board exist as a matter of fact and law. The resolution of the dispute regarding the decisions to approve the labels depends on a legal question that relates to the Board's authority to approve the labels, and that is the central issue in the declaratory relief. I now turn to the second ground of opposition, the legal standing issue.

Locus Standi

[30] The applicant approaches this Court based on its own interest because it is the registered owner of the trademark SWARTLAND, which could be diluted by the use of Swartland without the wine of origin expression on the wine labels.

[31] The Board, regarding the decisions the applicant is contesting in these proceedings, approved the use of Swartland without the wine of origin expression on the wine labels. However, without such approval, it would be illegal to use Swartland on the wine labels without including the wine of origin expression.

[32] The fact that the applicant's intellectual property may be affected by a decision made by the Board is, in my view, sufficient to give the applicant the necessary legal standing to have such a dispute resolved by a competent tribunal.

[33] The Authority's challenge to the applicant's standing, however, goes back to the availability of the s 22 Appeal to the applicant. It argues that the s 22 Appeal is not available to the applicant because the applicant's interests did not exist when the Board made the decisions.

[34] The Board raised the same argument in the s 22 Appeal, and the second respondent dismissed it. I should also note that the applicant's right to seek relief from a competent tribunal to protect its rights comes from the Bill of Rights, especially s 34 of the Constitution of the Republic of South Africa, 1996 (**the Constitution**). To suggest that there is nothing the applicant can do when faced with a decision by an administrator that could affect its property is hard to understand.

[35] In any case, whether the s 22 Appeal is available to the applicant or not is not necessary to determine because the applicant is seeking a review, not a s 22 appeal, in this Court. What is relevant to establish legal standing is whether the applicant has an interest worth protecting in the proceedings involved. In my view, the applicant has established the necessary standing to bring these proceedings, and the *locus standi* ground of opposition has no merit. The next topic I deal with relates to the delay.

Delay

[36] The second respondent's decision regarding the s 22 Appeal, dated 11 September 2023, was received by the applicant almost a month later, on 10 October 2023. The application was issued on 8 April 2024 and personally served on the same date upon Mrs Olivia Poonah (**Ms Poonah**), the deponent to the

Authority's answering affidavit. Ms Poonah is the Authority's executive manager, the same position she held with the Board before its dissolution.

[37] The Authority's primary complaint is that the application was served on 8 April 2024, outside the 180-day limit specified by section 7 of the Promotion of Administrative Justice Act 3 of 2000 (**PAJA**). This argument is based on the Authority's position that the relevant time frame should be calculated according to s 7(1)(a) of PAJA, rather than s 7(1)(b), as the applicant seems to have done.

[38] Section 7(1)(a) applies when there are internal remedies and states that the 180 day period begins from the date the internal remedies are concluded. Section 7(1)(b), on the other hand, applies when there are no internal remedies and states that the 180 day period is calculated from the date the party concerned (a) was informed of the administrative action, (b) became aware of the action and its reasons, and (c) could reasonably have become aware of the action and its reasons.

[39] The applicant takes no issue with the fact that the relevant time period is the one specified in s 7(1)(a) of PAJA and asserts that the application was instituted timeously. This is because, contrary to the Authority's suggestion, the date when the s 22 Appeal was finalized is not the date indicated on the s 22 Appeal decision but instead the date it was communicated to the applicant.

[40] The applicant's counsel, in this regard, referred this Court to a decision of the Constitutional Court in *Mncwabe*¹ where Majiedt J, writing for the majority and after referring to several decisions of that Court and the Supreme Court of Appeal, concluded that 'The law is therefore clear that communication of a decision to an affected party is central to the finality of that decision.'

[41] The applicant's argument has merit, and the Authority could point to no authority supporting its argument that the finality of a decision occurs when that decision is made, as opposed to when it is communicated to the concerned party. In this case, the decision was communicated to the applicant on 12 October 2023, and an application served on 8 April 2024 was therefore instituted well within the 180 days.

[42] The Authority's secondary argument relates to the fact that the Board had already been dissolved when the application was served on Mrs. Poonah, and the Board, instead of the Authority, was cited as the respondent. The argument, therefore, is that the application was effectively instituted against the Authority on 23 August 2024 when the Authority was formally joined as a respondent.

[43] The applicant's response to this argument is that although the Authority was formally joined as a respondent in August 2024, it had the papers in its possession since 8 April 2024, when Mrs. Poonah accepted service on behalf of the Board. Therefore, it was argued, Mrs. Poonah cannot complain about the late institution of the application since she had the papers all along.

¹ *Mncwabe v President of the Republic of South Africa and Others; Mathenjwa v President of the Republic of South Africa and Others* 2023 (11) BCLR 1342 (CC) at para [53]

[44] It is unclear to me whether the Authority advanced this argument with any measure of seriousness. I say this because, in its heads of argument, the Authority states that the ‘miscalculation as well as the applicant’s delay are exacerbated by the fact that the second review application was not launched against the Authority but against a non-existing Board.’

[45] Thus, I remain uncertain whether the point being made is that the failure to initially join the Authority as a party is being presented as a proper ground for the delay complaint, or if it is only being used as a factor to suggest that it made the situation worse.

[46] Regardless of the point the Authority seeks to make, Mrs. Poonah cannot be the one to complain about the delay when she had the papers from the date they were timely issued and served, even though they cited the Board instead of the Authority.

[47] What is more concerning is Mrs. Poonah's suggestion that the Authority would have opposed any application for condonation of the late filing if one had been submitted. When you consider this alongside the provisions of PAJA that allow administrators to approve late reviews to prevent the need for a formal condonation application, the Authority’s cynicism is illogical. It could lead to wasteful expenditure for the Authority in litigating just for the sake of litigating or because it can afford to do so. Ultimately, there is no merit to the delay ground of

opposition. It now remains to consider the merits of the application, starting with the interpretation issue.

The interpretation of the relevant provisions of the Scheme, specifically whether the Scheme authorised the Board to approve wine labels using the wine of origin expression only once when the name of the production area appears multiple times on a wine label

[48] Of relevance to the interpretation issue are the provisions of section 23 of the Scheme before it was amended by adding subsection (4)(J). The applicant argues that, in its unamended form, s 23 required the Board to consider three specific and separate requirements before approving wine labels. These requirements are outlined in subsections (3)(a), (b), and (c), which refer to the criteria prescribed in (a) the LPA, (b) s 24 of the Scheme, and (c) subsection 23(4) of the Scheme.

[49] Since these requirements are separate and distinct, the argument is that the Board could not rely on a requirement specified in subsection 23(3)(c) when determining whether the wine labels meet the criteria outlined in subsection 23(3)(b). This is because subsection 23(3)(b) relates solely to the requirements in s 24 of the Scheme, while subsection 23(3)(c) pertains to the criteria in subsection 23(4), which are unrelated to the requirements under s 24 of the Scheme. Furthermore, the criteria under subsection 23(3)(a), it was argued, are irrelevant to the consideration of the criteria under subsection 23(3)(b) because the former concerns the requirements prescribed under the LPA, whereas the latter is limited to the criteria specified under s 24 of the Scheme.

[50] There is merit in the applicant's argument. First, as previously mentioned, the regulation of wine labelling is based on s 11(1) of the LPA, which prohibits the sale of liquor products in a container unless specific required details are clearly indicated on the label in the prescribed manner. Furthermore, under s 23(1) of the LPA, contravening or failing to comply with the provisions of s 11(1) constitutes an offence. According to s 23(2), a person convicted of such an offence may face a fine of up to R8 000 or imprisonment for up to two months on a first conviction. Therefore, in my view, subsection 23(3)(a) of the Scheme aims to ensure that the approved wine labels do not violate the provisions of the LPA in general terms.

[51] Regarding the requirements under subsection 23(3)(b) of the Scheme, recourse is only available to s 24 of the Scheme, which explicitly addresses label indications. In this context, subsections 24(2) and (6) of the Scheme are particularly relevant to wine labelling that indicates the wine's origin, and I have included these provisions in paragraph [21] above. These provisions outline what information must be displayed on a wine label and how that information should be displayed.

[52] The requirements under s 24 of the Scheme, which relate to indicating the origin of wine, also align with the objects of the Scheme as outlined in s 3 of the Scheme, that is, to confirm the correctness of certain indications in connection with the origin of the wine and to create confidence in such indications. Requiring the use of the name of a production area only if the wine of origin expression accompanies it promotes those objects. Conversely, allowing the use of the name of a production area without it being accompanied by the wine of origin expression does not align with the objects of the Scheme.

[53] Subsection 23(4), before it was amended, referred only to subsection 23(3)(c) and specified the requirements related to the words, expressions, illustrations, or depictions mentioned in subsection 23(3)(c). In other words, these two subsections only referenced each other and not the other parts of the Scheme.

[54] Therefore, the interpretation proposed by the Authority is not supported by the text, context, or purpose of the Scheme and the LPA. This is made even clearer after the amendment of section 23 of the Scheme through the addition of subsection 23(4)(J), which explicitly states that including the wine of origin expression may not be necessary each time the name of the production area appears, when it appears more than once on a wine label.

[55] Before the amendment, one would have needed to impermissibly distort the language used in the provision to reach the interpretation proposed by the Authority. In my view, that would go far beyond interpretation and could even be seen as divination or legislating.

[56] On the proper interpretation of the relevant provisions of the LPA and the Scheme, the Board was only authorized to approve labels that met all the requirements of s 23(3) (a)-(c). Conversely, it lacked the authority to approve wine labels that failed to meet any of these standalone requirements.

[57] A wine label that displayed the name of a production area but did not include the wine of origin expression, in every instance where the name of the

production area appears multiple times on a label, did not comply with the provisions of s 24 of the Scheme. Therefore, the Board could not lawfully approve it, and the decisions made by the Board to approve the third and fourth respondents' wine labels cannot stand. The same applies to the second respondent's decision to dismiss the s 22 Appeal. As a result, the application to review and set aside those decisions must succeed, and an order to that effect will be issued.

[58] The applicant also requested a substitution order refusing the approval of the third and fourth respondents' wine labels. Once a review order is granted, which overturns the decisions approving these labels, the third and fourth respondents cannot rely on those approvals to justify their use. This is because they will no longer have the authorization to use the labels.

[59] The third and fourth respondents have also not participated in these proceedings, and there is no indication that they intend to have the decisions referred back for reconsideration. If anything, the indications are that the passage of time may have caused them to no longer need to have their applications determined based on what the Authority says that the wine-producers often have to apply annually for the approval of wine labels in respect of each annual harvest.

[60] Having considered everything above, I believe that neither a substitution order nor a remittal order is needed. Under the circumstances, only the order reviewing and setting aside the Board's decisions will be issued.

[61] The conclusion on the interpretation of the provisions of the Scheme convinces me to grant the declaratory relief, mainly because of the practical effect it has had on the case. Despite the amendment of s 23 of the Scheme, the matter had to be decided based on how that section read when the Board made its decisions. An order following prayer 3 of the amended notice of motion will accordingly be granted.

Costs

[62] The applicant has been successful, and the costs should be awarded accordingly. The applicant employed two counsel, and in my opinion, the complexity of the matter justified the employment of two counsel. Costs for two counsel will thus be awarded on scale C.

Order

[63] As a result, the following order shall issue:

- (a) It is ordered that the first respondent and fifth respondent are only empowered in terms of the Wine of Origin Scheme (prior to its amendment in terms of R.6003 in GG 52342 of 20 March 2025) to approve a wine label if the expression or abbreviation “**W.O**” / “**WINE OF ORIGIN**” / “**WYN VAN OORSPRONG**” appears next to each and every instance on the label where the area of production of the wine is indicated, subject to the provisions of section 11(6) of the Liquor Products Act 60 of 1989 (“the Act”).

- (b) The first respondent's decisions, communicated to the applicant on 10 November 2021, to approve the following wine labels in terms of the Wine of Origin Scheme under the Act, are reviewed and set aside:
- (i) the third respondent's "CAPE GARDEN 2020 SWARTLAND CHENIN BLANC" label;
 - (ii) the fourth respondent's "DAWN PATROL CINSULT ROSÉ | 2021 SWARTLAND" label; and
 - (iii) the fourth respondent's "DAWN PATROL CHENIN BLANC | 2021 SWARTLAND" label.
- (c) The second respondent's decision, communicated to the applicant on 12 October 2023, to dismiss the applicant's appeal lodged in terms of section 22 of the Act against the first respondent's decisions referred to in paragraph (b) is reviewed and set aside;
- (d) The fifth respondent is ordered to pay the applicant's costs, including the costs of two counsel on scale C.

LG NUKU
JUDGE OF THE HIGH COURT

Appearances

For the applicant: A R Sholto-Douglas SC and M de Beer
Instructed by: Werksmans Attorneys, Cape Town

For the fifth respondent: W H (Sakkie) Van Staden SC and Dr S Gardiner
Instructed by: Feenstra Inc Attorneys, Stellenbosch
C/O: Bailey Hayes Inc, Cape Town

For the first to fourth
and sixth respondents: No appearance