

Food (Amendment) Regulations 2022

GN No. 161 of 2022

Government Gazette of Mauritius No. 95 of 1 July 2022

THE FOOD ACT

Regulations made by the Minister under section 18 of the Food Act

1. These regulations may be cited as the **Food (Amendment) Regulations 2022**.
2. In these regulations
"principal regulations" means the Food Regulations 1999.
3. Regulation 2 of the principal regulations is amended -
 - (a) by deleting the definition of "expiry date" and replacing it by the following definition -
"expiry date" shall have the same meaning as use-by date;
 - (b) by inserting, in the appropriate alphabetical order, the following new definition -
"best-before date", in respect of a food for sale, means the date up to which the food for sale shall remain fully marketable and shall retain any specific qualities for which express or implied claims have been made, provided the food for sale -
 - (a) remains in an intact package during its storage; and
 - (b) is stored in accordance with such storage conditions as the manufacturer may specify;
 - (c) by adding the following new definition, the full stop at the end of definition "ultimate consumer" being deleted and replaced by a semicolon -
"use-by date", in respect of a food for sale, means the date after which it is estimated that the food for sale shall not be consumed for health or safety reasons, provided the food for sale -
 - (a) remains in an intact package during its storage; and
 - (b) is stored in accordance with such storage conditions as the manufacturer may specify.
4. Regulation 3 of the principal regulations is amended, in paragraph (1) -

(a) by revoking subparagraph (i) and replacing it by the following subparagraph -

- (i) (i) any special storage conditions or conditions of use; and
- (ii) the best-before date or use-by date,

other than in respect of food specified in the First Schedule;

(b) by revoking subparagraph (j) and replacing it by the following subparagraph -

- (j) the best-before date or use-by date and the date of manufacture or the lot identification, which shall be printed on the label or embossed on the container;

5. The principal regulations are amended by inserting, after regulation 3, the following new regulation -

3A. Required wording for date marking on labels

(1) (a) The best-before date, expiry date or use-by date shall be expressed in this regulation.

(b) The best-before date shall be expressed as "Best Before" or "BB", followed by the date.

(c) The expiry date or use-by date shall be expressed as "Expiry Date" or "Exp", "Use By" or "UB ", as the case may be, followed by the date.

(2) The date referred to in paragraph (1) shall comprise the date, month and year, in numerical form.

7. Regulation 9 of the principal regulations is revoked and replaced by the following regulation -

9. Sale of pre-packed food, prior to and after best before and use by date

(1) No person shall—

(a) import, expose for sale or sell any pre-packed food whose best before date or use-by date has -

(i) lapsed; or

(ii) been altered, obliterated, removed or forged;

(b) alter, obliterate, remove or forge any label of any pre-packed food;

(c) import, manufacture, process, pack, store, offer for sale or sell any pre-packed food with false labelling.

(2) (a) Notwithstanding regulation 9(1)(a)(i), every pre-packed food shall be sold not later than 7 days after the best-before date has lapsed.

(b) No pre-packed food whose best-before date has lapsed shall be displayed for sale, other than in an area dedicated for that purpose.

8. Regulation 177 of the principal regulations is amended, in paragraph (1), by revoking subparagraph (g) and replacing it by the following subparagraph -

(g) the best-before date or use-by date, to which special attention shall be drawn.

9. Regulation 180 of the principal regulations is amended, in paragraph (1), by revoking subparagraph (i) and replacing it by the following subparagraph -

(i) the best-before date or use-by date, to which special attention shall be drawn.

10. Regulation 183 of the principal regulations is amended, in paragraph (1), by revoking subparagraph (k) and replacing it by the following subparagraph -

(k) the best-before date or use-by date, to which special attention shall be drawn.

11. Regulation 185(f) of the principal regulations is amended, by revoking and replacing it by the following new paragraph -

(f) the best-before date or use-by date, to which special attention shall be drawn.

12. Regulation 263 of the principal regulations is amended by revoking paragraph (1) and replacing it by the following paragraph -

(1) Sterilised milk is milk which has been filtered or clarified, homogenised, and thereafter heated to and maintained at a temperature of not less than 100 degrees Celsius for such period of time as may be sufficient to render the milk sterile until its best before date

13. The First Schedule to the principal regulations is amended by deleting the heading and replacing it by the following heading -

FOOD NOT REQUIRING INDICATION OF BEST-BEFORE DATE OR USE-BY DATE

14. These regulations shall come into operation on 1 July 2022.

Made by the Minister on 1 July 2022.