

## THE FOOD ACT 2022

### Regulations made by the Minister under section 24 of the Food Act 2022

#### 1. Short title

These regulations may be cited as the Food Regulations 2023.

#### 2. Interpretation

In these regulations –

“accredited body” has the same meaning as in the Mauritius Accreditation Service Act;

“Act” means the Food Act 2022;

“alcohol” means a product obtained by distilling a fermented liquid;

“alcoholic beverage” means a beverage having an alcoholic strength exceeding 0.5 per cent of alcohol;

“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 acceptable for consumption so long as it retains 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;

“canned food” means commercially sterile food in hermetically sealed containers;

“claim” means any representation which states, suggests or implies that a food has particular qualities relating to its origin, nutritional properties, nature, processing, composition or any other quality;

“Codex Alimentarius” refers to a collection of standards, guidelines, codes of practice and other recommendations relating to food, food production and food safety, published by the Codex Alimentarius Commission, an intergovernmental body of the Food and Agriculture Organisation of the United Nations and the World Health Organisation;

“deterioration”, in relation to food, means the deterioration due to the action of bacteria, yeast, mould, natural food enzyme, temperature, insect, parasite, rodent, moisture, dryness, oxygen or light;

“dairy animal” means cows, goats and sheep and such other species kept for the purposes of milking;

“date” means –

- (a) the day and month to be declared, and where necessary the year, for products with a shelf life of not more than 3 months; and
- (b) at least the month and year to be declared, for products with a shelf life of more than 3 months;

“date of manufacture” means the date on which the food becomes the product as described;

“date of packaging” means the date on which the food is placed in the container in which it will be ultimately sold;

"Director-General" has the same meaning as in the Mauritius Revenue Authority Act;

"effective date", in relation to an application, means the date by which all required documents, information or samples are submitted;

“expiry date” has the same meaning as use-by date;

“flavouring substance” means a chemically-defined substance, either formed by chemical synthesis, or obtained from materials of plant or animal origin which, when added to food, is capable of imparting a specific and distinctive taste or odour to the food;

“food additive” –

- (a) means any substance not normally consumed as a food by itself and not normally used as a typical ingredient of the food, whether or not it has nutritive value, the intentional addition of which to food for a technological, including organoleptic purpose in the manufacture, processing, preparation, treatment, packing, packaging, transport or holding of such food, results, or may be reasonably expected to result, directly or indirectly, in it or its by-products becoming a component of or otherwise affecting the characteristics of such food; but
- (b) does not include “contaminants” or substances added to food for maintaining or improving nutritional qualities;

“food produced using gene technology” means a food which has been derived or developed from an organism which has been modified by gene technology;

“FSMS” (food safety management system) means a food safety management system which identifies, evaluates and controls hazards which are significant for food safety;

“gene technology” means recombinant DNA techniques that alter the heritable genetic material of living cells or organisms;

"guidelines" means guidelines issued by the Ministry under regulation 3;

“IAF” means the International Accreditation Forum – a worldwide association of accreditation bodies and other bodies interested in conformity assessment in the fields of management systems, products, processes, services, personnel, validation and verification and other similar programmes of conformity assessment, with the primary function of developing a single worldwide program of conformity assessment which reduces risk for businesses and their customers by assuring them that accredited certificates and validation and verification statements may be relied upon;

“ILAC” means the International Laboratory Accreditation Cooperation – a worldwide mutual recognition arrangement (the ILAC MRA) among accreditation bodies that are signatories to the ILAC Mutual Recognition Arrangement (ILAC MRA) for assessing and accreditation of conformity assessment bodies according to the relevant international standards and international recognition of results, in order that the data and test results issued by laboratories, inspection bodies, proficiency testing providers and reference material producers, accredited by ILAC Accreditation Bodies members, are accepted globally in view of facilitating trade;

“Industrial trans fatty acids” means all the geometrical isomers of monounsaturated and polyunsaturated fatty acids non-conjugated, interrupted by at least one methylene group, carbon-carbon double bonds in the trans configuration, but excludes trans-fatty acids from dairy, meat, fish and their products.

“ingredient” means any substance, including a food additive, used in the manufacture or preparation of a food and present in the final product although possibly in a modified form;

“irradiation”, in relation to food, means subjecting the food to ionising radiation, other than ionising radiation imparted to food by measuring or inspection instruments, and irradiate and irradiated have corresponding meanings;

“label” includes any brand, mark, pictorial or other descriptive matter, printed, stencilled, marked, embossed or impressed on a container of food or otherwise visible through a transparent container;

“labelling” includes any printed or graphic matter that is present on the label;

“lot” means a definitive quantity of a food commodity produced essentially under the same conditions;

“potable water” means water that is acceptable for human consumption;

“p.p.b” means part per billion calculated by weight;

“p.p.m” means part per million calculated by weight;

“pre-packed food” means food, including cooked and uncooked, which has been packed in a container before being sold or offered for sale but does not include food in –

- (a) bulk cargo containers;
- (b) pallet overwraps;
- (c) crates;
- (d) craft and vehicles;

“processing aid” means a substance or material, not including apparatus or utensils, and not consumed as a food ingredient by itself, intentionally used in the processing of foods, to fulfil a certain technological purpose during treatment or processing and which may result in the non-intentional but unavoidable presence of residues or derivatives in the final product;

“public conveniences” are toilet in a public place for everyone to use;

“ready to eat food” –

- (a) means food that is ordinarily consumed in the same state as that in which it is sold; but
- (b) does not include nuts in the shell and whole, raw fruits and vegetables that are intended for hulling, peeling or washing by the consumer;

“shelf life” means the period of time from the date of manufacture of a food to –

- (a) its best-before date; or
- (b) its use-by date;

“TradeNet” has the same meaning as in the Customs Act;

“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.

### **3. Guidelines**

The Ministry may issue guidelines –

- (a) setting out the requirements for, the applicable law relating to, and the procedures and conditions for, an application for a permit, an authorisation or a clearance for any food imported or exported under the Act;
- (b) which shall be available for consultation on the website of the Ministry.

## **PART I – FOOD COMPOSITION AND LABELLING**

### **4. Labelling requirements of pre-packed food**

(1) No person shall import, manufacture, process, pack, store, offer for sale or sell any pre-packed food unless there is on the package a label conspicuously showing the following particulars in English or French language –

- (a) the name of the food, which shall reflect the true nature of the food contained therein. The label shall specify whether any substance is added or abstracted from the food;
- (b) where the food contains edible fat of animal origin, the name of the edible fat and the common name of the animal from which such fat is derived;
- (c) the list of the ingredients present in the food in descending order of mass or percentage, other than for single ingredient food and alcoholic products containing more than 10 per cent of alcohol by volume;
- (d) the country of origin;
- (e) the name and address of the manufacturer or importer or packer or distributor;

- (f) in the case of mixed or blended food, words which indicate that the contents are mixed or blended, and such words shall be conjoined with the name of the food;
- (g) where the food contains more than 0.5 per cent of alcohol, a statement as to the presence in that food of such alcohol;
- (h) where the food contains food additive, the type of the food additive, and the common name, chemical name or International Numbering System;
- (i) where the food contains flavouring substance, a statement whether the flavouring substance is natural or artificial;
- (j) any special storage conditions or instructions for use;
- (k) the best-before date or use-by date shall be permanently printed on the package or on the label which shows other particulars or embossed on the container, other than for food products listed in the First Schedule;
- (l) the date of manufacture or the lot identification, which shall be printed on the label or embossed on the container;
- (m) the designation "treated with ionising radiation", if the food has been so treated;
- (n) the designation that the food has been obtained following a genetic modification or contains an ingredient that is genetically modified;
- (o) either the net weight or volume of the food;
- (p) where the food contains beef or pork, or its derivatives, a statement that the food contains beef or pork, or its derivatives, as the case may be;
- (q) where the food contains edible gelatin, a statement that the food contains gelatin, and the common name of the animal from which the gelatin is obtained;
- (r) where it is specified that a food contains any vitamin or mineral or amino acid, a statement setting out, in respect of –
  - (i) vitamin, the quantity of each vitamin in International Units or milligrammes or in parts per cent;
  - (ii) mineral, the quantity of each mineral in milligrammes or in parts per cent; or

- (iii) amino acid, the quantity of each amino acid in milligrammes, present in a stated quantity of food;
- (s) where the label attached to a food contains an expression or a vignette or a picture indicating or implying the nature of the food, it shall be a true indication of the food contained in the package;
- (t) where the food contains any of the following food as ingredient likely to cause hypersensitivity –
  - (i) cereals containing gluten i.e. wheat, rye, barley, oats, spelt or their hybridised strains and products of these;
  - (ii) crustacea and products of these;
  - (iii) eggs and egg products;
  - (iv) fish and fish products;
  - (v) peanuts, soybeans and products of these;
  - (vi) milk and milk products (lactose included);
  - (vii) tree nuts and nut products; and
  - (viii) sulphite in concentrations of 10 milligrammes per kilogramme or more,a statement as to their presence in that food.
- (u) where the food contains any of the following nutritional components, a statement setting out the amount of each component per 100 grammes or 100 millilitres and the percentage of daily intake –
  - (i) energy, expressed in kilojoules or kilocalorie;
  - (ii) protein;
  - (iii) fat;
  - (iv) saturated fatty acid;
  - (v) carbohydrate;
  - (vi) sodium;
  - (vii) sugars;

(viii) dietary fibre; and

(ix) trans fat.

(2) The particulars referred to in paragraph (1) shall be shown in any official language of any country provided that, in such a case, an additional label bearing a translation of the particulars, in either English or French language, is affixed on the package under the supervision of an authorised officer.

(3) No additional label referred to in paragraph (2) shall be valid unless the supervising officer is satisfied that the translation has been done by such person as he considers as having the necessary competence to do so.

(4) (a) The supervising officer may, upon application by an importer or manufacturer and subject to submission of relevant certificates and documents thereof, grant authorisation for the reconditioning of the label of a pre-packed food by affixing an additional label on the package, for the following particulars when they are missing on the label –

(i) the country of origin;

(ii) the name and address of the manufacturer or importer or packer or distributor;

(iii) the type of the food additive, and the common name, chemical name or International Numbering System;

(iv) the flavouring substance, whether natural or artificial;

(v) any special storage conditions or instructions for use;

(vi) the net weight or volume of the food;

(vii) the quantity of each vitamin in International Units or milligrammes or in parts per cent;

(viii) the quantity of each mineral in milligrammes or in parts per cent; and

(ix) the quantity of each amino acid in milligrammes, present in a stated quantity of food.

(b) The label referred to in subparagraph (a) shall be affixed before the food is put on sale.

## **5. Required wording for date marking on labels**



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

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

(3) 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.

## **6. Food for which no standard is prescribed**

Where no standard has been expressly prescribed in these regulations in relation to a particular food, the label on the package of that food shall not describe or present that food in a manner, by a name or with a pictorial suggesting a comparison with another food for which a standard has been prescribed in these regulations.

## **7. Food with decreased sodium content**

No person shall import, manufacture, process, pack, store, offer for sale or sell any food whose sodium content has been decreased or eliminated, unless the label on the package of the food bears the appropriate terminology for the following quantitative standards in respect of element of sodium –

1. Sodium free not more than 5 milligrammes per 100 grammes
2. Very low sodium not more than 40 milligrammes per 100 grammes
3. Low sodium not more than 120 milligrammes per 100 grammes
4. Reduced sodium a minimum of 25 per cent less sodium than a similar product
5. Lightly salted a minimum of 50 per cent less sodium than a similar product
6. No salt added No sodium chloride added, no salt compounds or salt substitutes

## **8. Low calorie food**

(1) No person shall import, manufacture, process, pack, store, offer for sale or sell any food labelled as –

- (a) **"LOW CALORIE"**, unless the food contains not more than 40 calories per 100 grammes of food;
- (b) **"REDUCED CALORIE"**, unless the calorie content of the food is at least 25 per cent lower in calories than the calorie content of the food to which it is compared;
- (c) **"DIET"** or **"DIETETIC PRODUCT"**, unless the product complies with the standards specified in paragraph (2);
- (d) **"CALORIE FREE"**, unless the food provides less than 10 calories per 100 grammes of food.

(2) The label **"DIET"** or **"DIETETIC PRODUCT"** shall –

- (a) comply with the requirements for **"CALORIE FREE"**, **"LOW CALORIE"** or **"REDUCED CALORIE"** food;
- (b) be clearly described as being useful for special dietary purposes; and
- (c) not make any claim to the effect that the food is guaranteed to maintain or reduce body weight.

(3) The label **"LIGHT in Energy"** or **"LITE"** shall comply with the requirements for **"REDUCED CALORIE"** food and shall comply with the conditions specified in paragraph (1)(b).

## 9. Substitution of trade mark for name of food

No person shall substitute the name of a food by a trade mark, brand name or fancy name.

## 10. Sale of pre-packed food, prior to and after best-before date 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 10(1)(a)(i), every pre-packed food shall be sold not later than 14 days after the best-before date has lapsed, provided that the food –

- (i) remains in an intact package during its storage or until its sale; and
- (ii) is stored in accordance with such storage conditions as the manufacturer may specify.

(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.

#### **11. Storage of food no longer complying**

(1) Where a food no longer complies with the Act or any regulations made thereunder, the food business operator shall store the food in a segregated and clearly marked space, and destroy it as soon as reasonably practicable.

(2) (a) The food business operator shall, in respect of any food referred to in paragraph (1), record the name of the food and its particulars in a register.

(b) The register referred to in subparagraph (a) shall, upon request, be available for inspection by an authorised officer.

#### **12. False claims on labels**

No person shall make any false, misleading or deceptive claim on the label of a package of food, and any package of food so found shall, after certification by the Government Analyst, be seized and destroyed by an authorised officer or be otherwise disposed of as the supervising officer may determine.

#### **13. Packaging on retail premises**

Any package of food that –

- (a) is offered, exposed or kept for retail sale; and
- (b) a customer may personally select,

shall be sealed and labelled.

#### **14. Exemption from regulation 4**

Regulation 4 shall not apply to any –

- (a) package of food if the food is of the nature, quality, quantity, origin, or brand requested by the purchaser and weighed, counted or measured in the presence of the purchaser; or
- (b) perishable cooked food ready for human consumption, which is packaged on retail premises in accordance with such quantity as the customer may specify.

#### **15. Exemption for small units of food packages**

- (1) Any food package –
  - (a) other than a package of spices and herbs;
  - (b) the size of which does not exceed 10 square centimeters,

may be exempted from labelling.

(2) Every food package that contains packages of food referred to in paragraph (1)(b), that is offered, exposed for sale or kept for wholesale, shall be labelled.

#### **16. Description of labelling**

The label of every pre-packed food shall contain such information as may be required under these regulations and in such manner as may be specified in the guidelines.

#### **17. Special labelling requirements**

This part does not exclude the inclusion of such specific labelling as the nature of the pre-packed food requires.

### **PART II – PACKAGES FOR FOOD**

#### **18. Use of harmful packages prohibited**

No person shall import, manufacture, advertise for sale, sell, or use, or cause to be used in the preparation, packaging, storage, delivery or exposure of food for sale, any package, contact material or container that discharges, or may discharge, any toxic, injurious or tainting substance to its contents.

#### **19. Use of polyvinyl chloride packages**

No person shall import, manufacture, advertise for sale, sell, or use, or cause to be used in the preparation, packaging, storage, delivery or exposure of food for sale, any package, contact material or container made of polyvinyl chloride that contains more than one milligramme per kilogramme of vinyl chloride monomer.

## **20. Reuse of packages prohibited**

No person shall use or cause to be used in the preparation, packaging, storage, delivery or exposure for sale of food, any container or plastic or glass bottle that has been used for any other purpose.

## **21. Toy or object not to be placed in food package**

(1) Notwithstanding paragraphs (2), (3) and (4), no person shall import, manufacture, pack, supply, store or sell any food or pre-packed food together with any toy or object other than food, unless such toy or object is packed in a separate compartment of said package.

(2) Paragraph (1) shall not apply to any object that is used for the purpose of measuring the recommended quantity of food to be consumed or for serving the food.

(3) The object referred in paragraph (2) shall be sterile and where the object is made of plastic, it shall be of food grade plastic.

(4) Notwithstanding paragraph (1), nothing shall prohibit the placing in food or in the package of such food any sachet for the purpose of absorbing or releasing of gas in such a way that the sachet will not contaminate, taint or migrate into the food.

### **PART III – PRE-MARKET APPROVAL PERMIT**

## **22. Selling food not of nature requested**

No person shall sell to the prejudice of a purchaser any food which is not of such nature or substance or quality as the purchaser may request.

## **23. Provision as to false and misleading advertisement**

No person shall publish or shall be party to the publication of any advertisement which falsely describes any food or which is likely to mislead as to the safety, nutritional quality or nature of the food.

## **24. Application for pre-market approval of food**

(1) No person shall import, manufacture or sell any food or pre-packed food intended to be used for the preparation of any food, specified in the Second Schedule, unless he has obtained a pre-market approval permit issued by the supervising officer.

(2) Every application for a pre-market approval permit under paragraph (1) shall –

(a) through the TradeNet or in such other manner as the supervising officer may determine, be made in the form set out in the Third Schedule;

- (b) be accompanied by –
  - (i) the original certificate of analysis or examination –
    - (A) from an accredited laboratory from the country exporting the product; or
    - (B) from an accredited laboratory recognised by the International Laboratory Accreditation Cooperation (ILAC) or the International Accreditation Forum (IAF); or
    - (C) from a competent Government approved laboratory in Mauritius,  
as the case may be, certifying the chemical composition and microbiological safety of the product; and
  - (ii) such other documents as may be specified in the guidelines;
- (c) be subject to the payment of the appropriate fee specified in Part I of the Fourth Schedule and to any other condition specified in the guidelines; and
- (d) be subject to submission of such sample for verification, analysis or examination, as the supervising officer may require.

(3) Subject to paragraph (4), the supervising officer shall, on receipt of the application, process the application and may grant or refuse to grant the pre-market approval permit not later than 2 working days after the effective date of receipt of the application.

(4) Where verification, analysis or examination of the sample is required, the supervising officer shall grant or refuse to grant the pre-market approval permit not later than 2 working days –

- (a) after the sample is verified, analysed or examined; or
- (b) after the date of receipt of the report of the analysis or examination.

(5) (a) Any fee payable under this regulation may be paid to the Director-General through the TradeNet or in such other manner as the Director-General may determine.

(b) The Director-General shall, not later than 15 working days after the end of every month, remit the fees collected to the Ministry.

## **25. Criteria for granting a pre-market approval permit**

(1) The supervising officer may, for the purpose of determining an application for a pre-market approval permit, consider, whether the food, pre-packed food, container or contact material–

- (a) complies with the provisions of the Act and these regulations;
- (b) is restricted for sale in Mauritius;
- (c) is misbranded;
- (d) is properly labelled; or
- (e) may be hazardous to public health.

(2) The supervising officer may grant a pre-market approval permit on such conditions as he may determine.

**26. Fees for analysis by Government Analyst and examination by Food Microbiologist**

Where a person, other than an authorised officer under the Act, furnishes a sample for analysis or examination, he shall pay the appropriate laboratory fee as specified in the Fifth Schedule.

**27. Revocation of pre-market approval permit**

The supervising officer may revoke any pre-market approval permit if he is satisfied that the holder of the permit has failed to comply with any condition specified in the permit.

## PART IV – EXAMINATION AND SAMPLING OF FOOD

### 28. Clearance of food by Customs

(1) Any person who imports any food or pre-packed food requiring a clearance shall apply for such clearance from the supervising officer.

(2) An application for a clearance shall –

- (a) be made through the TradeNet or in such other manner as the supervising officer may determine, and in such form as the supervising officer may approve;
- (b) be accompanied by such other documents as may be specified in the guidelines;
- (c) be accompanied by the appropriate fee specified in Part II of the Fourth Schedule and subject to the conditions specified in the guidelines.

(3) Subject to paragraph (4), the supervising officer may, not later than 2 working days after the receipt of the application, grant or refuse the application and inform the applicant accordingly.

(4) (a) Where the goods are required to be verified, analysed or examined, the supervising officer may, not later than 2 days after the goods are verified, analysed or examined, as the case may be, grant or refuse the application and inform the applicant accordingly.

(b) The clearance shall be granted on payment of such fee as may be imposed for the purpose of verification, analysis or examination.

(c) For the purpose of paragraph (a), the supervising officer shall analyse or examine the food or pre-packed food or sample thereof in accordance with regulations 30, 31, 32 and 34, as applicable, and section 25B(3) of the Customs Act.

(d) Where the goods are verified, the clearance shall be granted on payment of the fee specified in Part II of the Fourth Schedule.

(5) For the purposes of paragraphs (3) and (4), the authorised officer shall notify his decision, to grant or refuse to grant the clearance, to the Director-General and the importer through the TradeNet or in such other manner as the supervising officer may determine.

(6) Subject to paragraph (5), the Director-General shall release or clear the goods imported in accordance with section 25B of the Customs Act.



(7) (a) Any fee, penalty or surcharge payable under this regulation may be paid to the Director-General through the TradeNet or in such other manner as the Director-General may determine.

(b) The Director-General shall, not later than 15 working days after the end of every month, remit the fees collected to the Ministry.

(8) Notwithstanding paragraph (4), the supervising officer may, after verification of the certificates and relevant documents, and being satisfied thereof, grant the clearance to the Director-General without examination of the consignment.

## **29. Production of original certificate**

Every importer or manufacturer shall keep in his possession the original certificates referred to in regulations 24(2)(b) and 28(2)(b) for a period of at least one year and shall produce the certificates to an authorised officer upon request.

## **30. Examination of whole consignment**

(1) Where the authorised officer is of the opinion that a whole consignment needs to be verified, the Director-General shall, upon the request of the authorised officer, release the whole consignment for that purpose.

(2) Where the whole consignment is released under paragraph (1), it shall, before its release, be sealed by the authorised officer.

(3) The importer shall, at his own cost, cause the whole consignment to be transported to such place as the authorised officer may determine.

(4) For the purpose of this regulation, the authorised officer shall, during office hours, have access to the consignment.

(5) Where the authorised officer is of the opinion that the food is safe for human consumption, he may, in writing, authorise the importer to distribute the consigned food.

(6) Where the authorised officer has reason to believe that the food is unsafe for human consumption, he shall, in accordance with section 8(1)(d) of the Act, seize that consignment.

(7) The supervising officer may, at the cost of the importer, direct the importer to re-export the consignment at his own cost.

## **31. Sampling of imported food**

(1) Notwithstanding that a consignment of food is in the custody of the Director-General, an authorised officer may, in accordance with regulation 32 or 34, take a sample for the purpose of analysis or examination under section 10 of the Act.

(2) An authorised officer shall, when sampling imported food for analysis or examination, deliver to the importer or his agent a certificate as set out in the Sixth Schedule.

(3) An authorised officer may seal any consignment of any imported food, a sample of which has been taken under paragraph (1), until receipt of the certificate of analysis or examination, as the case may be.

(4) Where a sample taken under this regulation has been analysed or examined, the authorised officer shall forthwith report back to the Director-General of the Mauritius Revenue Authority in the form set out in the Seventh Schedule.

### **32. Procedures where sample is taken for analysis and physical examination**

(1) An authorised officer who has procured a sample under section 10 of the Act and who considers that it should be analysed or examined physically shall, subject to paragraph (3), cause the sample to be divided into 3 parts.

(2) The authorised officer shall –

- (a) in the presence of the person from whom he takes the sample, mark, seal and label each part or where it is not practicable to do so, fasten up each part in such manner as may be practicable;
- (b) give one part to the person from whom he takes the sample and inform the seller, importer, or manufacturer accordingly;
- (c) give notice to the person that the sample will be analysed, in the form specified in the Sixth Schedule or the Eighth Schedule, as the case may be;
- (d) forthwith submit one part to the Government Analyst for analysis or physical examination; and
- (e) secure one part and store under such condition as may be appropriate.

(3) Where an authorised officer is of the opinion that the division of the sample into parts is not reasonably practicable or is likely to impede a proper analysis, the officer shall give notice in the form specified in the Sixth Schedule or the Eighth Schedule, as the case may be, to the person that the undivided sample will be submitted for analysis or physical examination.

### **33. Submission of retained part of sample in case of contention**

Where a part of the sample is retained under regulation 32(2)(e) and actions are initiated, or intended to be initiated, in Court against a person for an offence in connection with that sample, the Court may order that that part be retained by the authorised officer and analysed by such laboratory as the Court may designate.

#### **34. Sampling of food for microbiological examination**

Where a sample of food is required for microbiological examination, the authorised officer shall, in accordance with section 10 of the Act –

- (a) take only one sample and shall not divide such sample into different parts;
- (b) mark and seal, or where it is not practicable to do so, fasten up the sample in such manner as may be practicable;
- (c) give notice to the person, in the form specified in the Sixth or Eighth Schedule, as the case may be, that the sample will be examined microbiologically;
- (d) forthwith submit the sample to the Food Microbiologist; and
- (e) where the food is produced locally, inform the local manufacturer, in writing, of his intention to have the food sample examined microbiologically.

### **PART V – FOOD HYGIENE**

#### **35. Building and facilities**

The food business operator shall ensure that the food premises shall be in accordance with the specifications set out in the Ninth Schedule.

#### **36. Food not to be exposed to contamination**

- (1) No person or food business operator shall –
  - (a) expose, or cause to be exposed, to contamination any food by direct or indirect contact;
  - (b) store or use any food which is unsafe.
- (2) A food business operator shall ensure that –
  - (a) food is produced or processed and packaged in such manner and within such lapse of time as to avoid contamination and deterioration;

- (b) chopping boards and food preparation surfaces are cleaned and disinfected on a daily basis or after such regular interval as may be necessary, whichever the earlier;
- (c) light bulbs or fixtures suspended over food or food processing areas are properly secured and protected to prevent contamination of food in case of breakage;
- (d) flies or other insects, birds, rodents, pests and domestic animals and pets do not enter into the premises where food is produced or processed and packaged.

### **37. Equipment not to constitute hazard to health**

Every food business operator shall ensure that any equipment, fitting or container used in the preparation, production or packaging of food are so constructed and maintained as not to constitute a hazard to human health.

### **38. Containers not to be reused**

No food business operator shall –

- (a) reuse single service containers, cutlery or other article intended to be used in the making, preparing, keeping, selling or supplying of any food;
- (b) reuse containers unless they are of such material and construction as will permit easy and thorough cleaning and, unless such containers are maintained clean and disinfected, where necessary.

### **39. Cleanliness**

Every food business operator shall ensure that –

- (a) the premises where food is produced, processed or packaged are kept clean and disinfected on such regular basis as may be necessary;
- (b) bags, containers, crates or boxes are kept on racks at least 300 millimetres above floor level or where forklifts or other mechanical lifting devices are used, on pallets;
- (c) no food is kept on ground or floor level.

### **40. Prohibition of food preparation in certain places**

(1) No person or food business operator shall sell, serve, manufacture, produce, prepare, cook, pack, store, handle, or keep any food for sale for human consumption –

(a) in any room or place which is in direct communication with any sleeping room, bathroom, or toilet; or

(b) in any place in which an animal is kept.

(2) No person or food business operator shall use any food premises as a sleeping room or for keeping animals.

#### **41. Provision as to wrapping of food**

No person or food business operator shall sell any food ready for immediate human consumption to any purchaser, unless –

(a) the food is packed, wrapped or covered so as to protect it from flies, dust and contamination;

(b) the food is wrapped with such wrapping paper –

(i) as may be appropriate;

(ii) which contains no printing or writing except for the label;

(c) the food is placed in such container as may be appropriate.

#### **42. Prohibition of unhygienic practices in food vending**

No person shall –

(a) blow with his breath into any paper bag or container; or

(b) wet his fingers by means of his saliva, to enable the handling of any paper bag, wrapping paper or container,

of food for sale for human consumption.

#### **43. Food not to be introduced in non-food containers**

No person or food business operator shall use any bag, sack, or other receptacle which has, at any time, contained fertilizers, pesticides or any contaminating matter, for the purpose of storing or holding or carrying any food intended for sale for human consumption.

#### **44. Returnable food containers**

No person or food business operator shall put any disinfectant, poisonous or odorous material, or any contaminating matter in a returnable food container.

#### **45. Original food containers not to be used for other purposes**

No person or food business operator shall use any container on which the name of any food for sale for human consumption is marked or embossed for the purpose of putting therein any food other than the food the name of which is so marked or embossed, as the case may be.

#### **46. Hygiene of crockery and other utensils**

Every food business operator of any premises where food which are ready for immediate consumption are sold, shall ensure that any plate, glass, spoon, fork, knife or other cutlery that is used to prepare or serve food is –

- (a) thoroughly cleansed with hot water, as soon as practicable after use, and are kept clean until again required for use;
- (b) not chipped, cracked, broken, or rusty, or in such a condition so as to impair or prevent it from being readily and thoroughly cleansed.

#### **47. Drinking straws**

The food business operator of any premises where beverages are sold shall –

- (a) provide and maintain in clean order a container for drinking straws;
- (b) not reuse drinking straws.

#### **48. Food Handler's Certificate**

(1) Every person who is engaged in the sale, preparation, manufacture, serving, packing, cooking, carriage, handling or delivery of any food for sale for human consumption shall, at all times, have in his possession a valid Food Handler's Certificate.

(2) A Food Handler's Certificate shall –

- (a) be in such form as set out in the Tenth Schedule;
- (b) specify that the holder of the certificate –
  - (i) has gone through a medical examination by a Government Medical Officer;
  - (ii) is not attained of any infectious or communicable diseases;
  - (iii) is fit to work in a food establishment; and

(iv) has successfully followed such food safety and hygiene training course as the supervising officer may approve.

(3) A Food Handler's Certificate shall be valid for a period of 3 years from the date of issue and may be renewed for further periods of 3 years.

(4) (a) No person shall employ in any food business any person who does not possess a valid Food Handler's Certificate.

(b) Any person who intends to be employed in a food business shall make an application to the supervising officer.

(c) The supervising officer may grant or refuse the application.

(d) Where the supervising officer grants the application, he shall, on payment of the fee specified in Part III of the Fourth Schedule, issue a Food Handler's Certificate.

(5) (a) Any person who intends to renew his Food Handler's Certificate shall, at least 30 days before the expiry of the certificate, make an application to the supervising officer.

(b) Where the supervising officer grants the application, he shall, on payment of the fee specified in Part III of the Fourth Schedule, renew the Food Handler's Certificate.

(6) Any person who makes an application for the renewal of his Food Handler's Certificate after the expiry of the delay specified in paragraph (5), shall be liable to a surcharge of 50 per cent.

(7) (a) Where the Food Handler's Certificate of a person is lost, defaced or destroyed, he shall make an application, in writing, to the supervising officer for the issue of a duplicate.

(b) Where the supervising officer is satisfied that the Food Handler's Certificate is lost, defaced or destroyed, he shall on payment of the fee specified in the Fourth Schedule, issue, to the person, a Food Handler's Certificate bearing the word 'DIPLICATE'.

(c) Where the person finds the original Food Handler's Certificate, he shall forthwith surrender it to the supervising officer.

(8) Where a Government Medical Officer certifies that a person who holds a Food Handler's Certificate who, at a material time, is attained of an infectious or communicable disease, the supervising officer shall forthwith suspend his Food Handler's Certificate.

(9) (a) A food business operator shall ensure that any food handler whom he engages in his food business successfully follows such food safety and hygiene training course as the supervising officer may approve.

(b) Any person who holds such appropriate qualifications as may be acceptable by the supervising officer shall be exempted from following the food safety and hygiene training course referred to in subparagraph (a) but shall undergo a medical examination by a Government Medical Officer.

#### **49. Personal hygiene**

Every person shall, while being engaged in the sale, preparation, manufacture, serving, packing, cooking, carriage, handling, or delivery of any food for sale for human consumption –

- (a) keep and maintain his clothing, hands, hair, fingernails and body clean;
- (b) wear a clean washable overall effectively preventing the food from coming in contact with any part of his other clothing;
- (c) wear a clean hair covering for the purpose of effectively preventing his hair from coming in contact with food or any surface which the food is liable to come in contact with;
- (d) not wear earrings or jewels, watch, nail varnish and rings;
- (e) not use dirty wiping clothes; and
- (f) not eat, smoke, and chew tobacco or spit.

#### **50. Prohibition of food handling by infected person**

Any person who is the carrier of an infectious disease, or in contact with a person who is suffering from any infectious disease, diarrhoea, venereal disease, open infected wound, or any inflammatory or communicable infection of the skin shall not –

- (a) engage himself in the sale, preparation, manufacture, storing, serving, packing, cooking, transport, handling or delivery of any food; and
- (b) handle, whether for cleansing, washing or other purposes, any vessel, receptacle, utensil, package or any instrument used in the preparation, manufacture, serving, packing, cooking, storing, transport, handling or delivery of any such food.

#### **51. Responsibility of food business operator relating to regulations 48 and 50**



No food business operator shall authorise any person under regulations 48 and 50 to resume duty in the food business unless the person produces a certificate issued by a Government Medical Officer, certifying that he is no more attained of any infectious or communicable diseases.

**52. Use of devices to handle food**

Any person who sells ready to eat food for human consumption shall, when removing the food from the receptacle where it is kept, do so by means of pliers, tongs or other devices except where the use of such devices is impracticable due to the nature of the food.

**53. Sale of contaminated food**

No person or food business operator shall offer for sale or sell for human consumption any food which has been exposed to dust, fumes, flies or which is contaminated.

**54. Food to be kept away from insanitary environment**

No person shall prepare, store, offer for sale or sell any food intended for human consumption –

- (a) near public conveniences;
- (b) at or near any place where noxious substances or fumes are emitted; or
- (c) in an insanitary environment.

**55. Perishable food to be kept at adequate temperature**

(1) The food business operator of any premises where food is prepared, packed, transported, displayed, stored, served or sold for human consumption, shall ensure that any perishable food is kept in such temperature control as may be appropriate to protect it –

- (a) from developing excessive levels of food poisoning bacteria or formation of toxins to levels that are unsafe for consumers;
- (b) from spoilage.

(2) For the purpose of this regulation –

- (a) “perishable food” includes –
  - (i) raw and cooked meat or foods containing meat, such as casseroles, curries and lasagne;

- (ii) dairy products, such as milk, yoghurt, custard and dairy based desserts;
- (iii) seafood, excluding live seafood;
- (iv) processed fruits and vegetables, such as salads;
- (v) cooked rice and pasta;
- (vi) foods containing eggs, egg product, beans, nuts or other protein rich foods, such as quiche and soy products;
- (vii) cream-filled pastries;
- (viii) food that contains the foods specified in sub subparagraphs (i) to (vi);
- (ix) food that may contain food poisoning bacteria and are capable of supporting growth of these bacteria or formation of toxins to levels that are unsafe for consumers, if the food is not stored at the correct temperature;

“temperature control” means maintaining perishable food at such temperature to minimise the growth of infectious or toxigenic microorganisms in the food so that the microbiological safety of the food is not adversely affected during the time the food is at –

- (a) a temperature of not more than 4 degrees celsius;
- (b) a temperature of not less than 63 degrees celsius; or
- (c) such other temperature at which, according to the food business operator, the food will not get adversely affected if kept for a period of time.

## **56. Food transport vehicle**

(1) No person or food business operator shall use any vehicle for the transport or delivery of any food intended for sale for human consumption unless the vehicle is fitted with a compartment to contain the food, and–

- (a) the words ‘FOOD TRANSPORT VEHICLE’ are clearly, legibly and permanently marked on the external sides of the vehicle;
- (b) the compartment is completely sealed off from the driver's cabin;

- (c) the compartment is, at all times –
  - (i) adequately protected from any thing that may contaminate the food that is transported in the vehicle;
  - (ii) kept free from flies, pests and dust;
  - (iii) kept clean; and
  - (iv) kept in a state of good repair.

(2) This regulation does not apply to or in relation to multipurpose vehicles used for the transport of raw vegetables, raw fruits, and raw grains.

(3) No person or food business operator shall carry cooked, prepared and processed food otherwise than in a food transport vehicle.

(4) For the purpose of this regulation –

“food transport vehicle” means any vehicle that is used for the transportation of cooked, prepared and processed food, dedicated for this purpose and shall not carry anything else.

## **57. Sanitary requirements for food vehicle**

Any person or food business operator who sells any food for immediate consumption in a food vehicle, shall ensure that –

- (a) the driver's cabin is separated and effectively sealed off from the section where the food is prepared, stored or sold;
- (b) all fittings, equipment or utensils which are used for the transportation of food are made of such impervious material as the supervising officer may approve;
- (c) the vehicle is fitted with a sink which is supplied with ample potable water for the purpose of washing of utensils used in the preparation of food, and is also provided with a wash-hand basin, soap, nail brush and towel;
- (d) adequate provision, including refrigeration, is made in the vehicle for the storage of perishable food;
- (e) provision is made in the vehicle for the collection of garbage in bins fitted with close-fitting lids;
- (f) all interior walls, ceiling and floor of the vehicle are, at all times, in good order and kept in clean condition;

- (g) no flies, birds, rodents and other pests have access to any place where food is prepared, heated, or stored;
- (h) a receptacle of greater holding capacity than the storage water tank is provided in the vehicle for the collection of waste waters; and
- (i) ready to eat food is sold in disposable containers.

**58. Food vehicle not to transport goods likely to contaminate food**

No person shall transport in a vehicle which is used for the transportation or delivery of any food that is intended for sale for human consumption, any thing that may contaminate any food that is transported in the vehicle.

**59. Sanitation of vehicle transporting frozen food**

(1) No person shall transport or cause to be transported in a vehicle any frozen or chilled food for the purpose of storage, processing or distribution for human consumption unless that vehicle is equipped for the transportation of such food.

(2) (a) For the purpose of paragraph (1), frozen food and chilled food shall be transported in a refrigerated vehicle which is equipped with a temperature monitoring device.

(b) The temperature monitoring device shall, at all times, be in good working condition.

(3) The driver of the vehicle shall ensure that the interior of the vehicle is, at all times –

- (i) adequately protected from any thing that may contaminate the food that is transported in the vehicle;
- (ii) kept free from flies, pests and dust;
- (iii) kept clean; and
- (iv) kept in a state of good repair.

**60. Street food vendors to deal with food in hygienic conditions**

(1) No street food vendor shall sell food ready for human consumption unless the stall, table, bicycle, tricycle, barrow, cart or any such other vehicle is designed or adapted for the purpose of transporting such food as the street food vendor may offer for sale for human consumption.

(2) Any street food vendor who sells ready to eat food intended for human consumption shall –

- (a) transport the food in a clean receptacle which shall be kept covered at all times, except during the period necessary to complete its sale; and
- (b) adequately protect the food from any contamination.

#### **61. Sanitary practices in cold room**

(1) Every food business operator of a cold room or of any premises where there is a cold room in which food is stored for sale for human consumption shall ensure that –

- (a) no unsafe food or refuse is stored in the cold room;
- (b) no food, except food contained in impervious containers, is stored on the floor of the cold room;
- (c) the floor of the cold room and the immediate area surrounding the cold room is, at all times, kept clean;
- (d) the cold room is equipped with a temperature monitoring device which shall be visible from outside the cold room and be in good working order;
- (e) (i) the continuous temperature reading from the temperature monitoring device referred to in subparagraph (d) is recorded; and  
(ii) the records are –
  - (A) kept for a period of at least one year; and
  - (B) available for inspection by the authorised officer;
- (f) to avoid flies, foul smell or such other nuisance, provision is made for appropriate drainage in the cold room for the purpose of draining water if there is any leakage or after cleaning;
- (g) the area outside the cold room where frozen food is sliced is adequately protected from flies.

(2) For the purpose of this regulation –

“cold room” means a refrigeration room whose inner volume is 2.5 cubic meters or more.

## PART VI – CONTAMINANTS

### 62. Definition

In this Part –

“antibiotic” means any chemical substance produced by either chemical synthesis or by a microorganism capable of inhibiting the growth of or destroying bacteria and other microorganism;

“contaminant” includes –

- (a) any toxic, noxious or harmful substance that is contained in or is present on any food;
- (b) metal contaminant, mycological contaminant, microorganisms and their toxins, pesticide residue and any veterinary drug residue;

“microorganisms and their toxins” include bacteria, fungi and their toxins;

“pesticide” –

- (a) means –
  - (i) any substance intended for preventing, destroying, attracting, repelling, or controlling any pest including any unwanted species of plants or animals during the production, storage, transport, distribution, processing or packaging of food;
  - (ii) any substance intended for use as a plant growth regulator, defoliant, desiccant, fruit thinning agent, or sprouting inhibitor; and
  - (iii) any substance applied to crops either before or after harvest to protect the crops from deterioration during storage and transport; but
- (b) does not include fertilizer, plant and animal nutrient, food additive and animal drug;

“pesticide residue and veterinary drug residue” –

- (a) means any substance established by the Codex Alimentarius Commission found in food resulting from the use of a pesticide or a veterinary drug; and
- (b) includes their derivatives, conversion products, metabolites and reaction products.

### **63. Prohibition of importation and sale of food with excess contaminant**

(1) No person shall import, manufacture, store, pack, offer for sale or sell any food intended for human consumption which has any excess contaminant, that are contained in or present on any food as specified in paragraph (2).

(2) (a) Bacteria shall not be in a greater number than the numbers specified in respect of that food as set out in the Eleventh Schedule.

(b) The quantity of contaminants and toxins in food shall not be greater than the maximum level as specified by the Codex Alimentarius – Codex General Standards for Contaminants and Toxins in Food and Feed (CODEX STAN 193-1995).

(c) Pesticide residue shall not be in excess of the limit established by the Codex Alimentarius Commission.

(d) Veterinary drug residue shall not be in excess of the limit established by the Codex Alimentarius – MAXIMUM RESIDUE LIMITS (MRLs) AND RISK MANAGEMENT RECOMMENDATIONS (RMRs) FOR RESIDUES OF VETERINARY DRUGS IN FOODS (CX/MRL 2-2018).

(e) The maximum permissible level of methanol in alcoholic beverage derived from ethyl alcohol shall not exceed the maximum permissible level prescribed, in relation to that alcoholic beverage, in column 1 of the Twelfth Schedule.

(f) The maximum permissible level of furfuraldehyde or furfural or furfurool or pyromucic aldehyde in alcoholic beverage derived from ethyl alcohol shall not exceed one tenth of a gramme per hectolitre of absolute alcohol.

(g) The maximum migration level of bisphenol A in feeding bottles and plastic containers for food packaging shall not exceed 0.03 microgramme per millilitre.

### **64. Exemptions, scientific research and food naturally containing excess contaminants**

Regulation 63 shall not apply to –

(a) any food intended for the purpose of scientific research provided that the container bears a label stating clearly that the food is imported, manufactured, stored or sold for that purpose;

(b) hop concentrates or such other similar ingredient used in the manufacture of beer, as the supervising officer may approve.

### **65. Sale of oyster and shellfish from non-polluted source**

No person shall sell or have in his possession for sale, for human consumption, oysters or other shellfish that is fished from polluted waters.

## **66. Prohibition of sale of pesticide and similar products on food premises**

No person who is engaged in the sale of food for human consumption on a premises shall keep or trade in the sale of any pesticides, fertilisers, petroleum products or any other similar products on the premises.

## **67. Prohibition of preparation and sale of food by person engaged in trade of pesticides on same premises**

(1) No person who is engaged in the trade of pesticides, fertilisers, petroleum products or any other noxious substance on a premises shall prepare or offer for sale food for human consumption on the same premises.

(2) Notwithstanding regulation 66, the sale of pre-packed food may be authorised on premises where petroleum products are sold, provided that the pre-packed food is –

- (a) displayed or offered for sale in a building physically separate from the delivery bay or storage zone of petroleum products; and
- (b) handled or delivered to the consumer by food handlers who are not involved in the handling of petroleum products or other chemical substances.

## **68. Irradiated food**

(1) For the purpose of avoiding bacterial contamination, herbs and spices shall be irradiated to not less than 2 KiloGray nor more than 10 KiloGray.

(2) For the purpose of controlling sprouting, pest disinfestation or weeding, herbs and spices shall be subject to ionising irradiation to not more than 6 KiloGray.

(3) A herbal infusion may, for the purpose of controlling sprouting and pest disinfestation, including the control of weeds, be irradiated to not more than 6 KiloGray.

(4) A herbal infusion shall, for the purpose of avoiding bacterial decontamination, be irradiated to not less than 2 KiloGray nor more than 10 KiloGray.

(5) In this regulation –

“herbal infusion” means fresh, dried or fermented leaves, flowers and other parts of plants used to make beverages, but do not include tea;

“irradiation”, in relation to food, means subjecting the food to ionising radiation.



**69. Special labelling requirements for irradiated food**

No person shall import, manufacture, pack, store, offer for sale or sell irradiated food unless, in accordance with regulation 4, it shall be specified on the label that –

- (a) the food has been irradiated; or
- (b) the food contains an ingredient or component that has been irradiated.

**PART VII – CHILLED AND FROZEN FOOD**

**70. Definition**

In this Part –

“chilled cabinet” includes any refrigerator or cabinet which is used as a display case for food which is maintained at a temperature between zero degree celsius and 4 degrees celsius;

“chilled food” includes but is not limited to meat, meat product, whole or filleted fish, fish product, bakery, bakery product, cakes and vegetables intended to be maintained at temperatures between zero degree celsius and 4 degrees celsius in any part of the product;

“freezer” includes any refrigerator, reefer container or cold room which maintains its contents at a temperature of -18 degrees celsius or below;

“frozen food” includes but is not limited to meat, meat product, whole or filleted fish, fish product, bakery, bakery product, cakes and vegetables which has been maintained at a temperature of -18 degrees celsius or below, except for brine frozen fish intended for canning which may be maintained at a temperature of -9 degrees celsius or below.

**71. Sale of chilled or frozen food**

Every food business operator shall ensure that, on his premises –

- (a) no chilled food is displayed or offered for sale other than in a chilled cabinet; and
- (b) no frozen food is displayed or offered for sale other than in a freezer.

**72. Sale of defrosted food and chilled food**

- (1) No person shall sell any frozen food where –

- (a) the frozen food has been completely or partially defrosted; or
  - (b) the frozen food has been completely or partially defrosted and subsequently refrozen.
- (2) No person shall sell any chilled food that –
- (a) has been brought up to a temperature of more than 4 degrees celsius; or
  - (b) has been brought up to a temperature of more than 4 degrees celsius and re-chilled.

**73. Intentional switching off of electric supply to freezer**

No food business operator shall, except in case of emergency, switch off or cause to be switched off, the electric power to a freezer or chilled cabinet which contains frozen or chilled food.

**74. Storage of frozen or chilled food during long power failure**

No food business operator shall, following an electric power failure in an emergency, store or display in –

- (a) a freezer, frozen food intended for human consumption unless the freezer where the food was stored or displayed, was supplied anew with electricity before 24 hours after the electric power failure; or
- (b) a chilled cabinet, chilled food intended for human consumption unless the chilled cabinet where the food was stored or displayed, was supplied anew with electricity before 2 hours after the electric power failure.

**75. Hygienic condition for freezer and chilled cabinet**

Every food business operator shall ensure that a freezer or a chilled cabinet for the storage or display of frozen or chilled food on his premises is maintained in a clean and hygienic condition.

**76. Prohibition to mix chilled and frozen food**

(1) Where a food business operator stores, sells or offers for sale on his premises chilled and frozen meat, meat product, fish, fish product and vegetables, he shall ensure that every chilled and frozen food is stored and displayed in separated stalls. with clear indication as to the nature of the food on each stall.

(2) The food business operator shall, by such means as the supervising officer may approve, indicate the nature of every food that he displays in a freezer or chilled cabinet.

**77. Misrepresenting nature of chilled or frozen meat, fish or poultry**

No person shall sell or offer for sale any chilled or frozen meat, fish or poultry by misrepresenting its true nature.

**78. Misrepresentation of kind of meat**

No person shall sell or offer for sale the meat of one kind of animal by misrepresenting it for the meat of another kind of animal.

**79. Prohibition of importation, storage and sale of frozen fish which is not gutted**

(1) No person shall, otherwise than for processing, import any frozen fish which is not gutted.

(2) No person shall store, offer for sale or sell any frozen fish which is not gutted.

**80. Storage of various types of food in chilled cabinet or freezer**

(1) No food business operator shall, for the purpose of storing or offering for sale, keep the following categories of food in the same freezer or chilled cabinet –

- (a) goat meat, goat meat product, mutton, mutton product, poultry and poultry product;
- (b) beef, buffalo meat, beef product and buffalo meat product;
- (c) pork and pork product;
- (d) fish and fish product; and
- (e) vegetable and processed vegetable.

(2) Every compartment in a chilled cabinet or freezer that contains any of the 5 categories of food specified in paragraph (1) shall be marked in such a manner as to be easily identifiable by the consumer.

**81. Temperature monitoring device of freezer and chilled cabinet**

(1) Every freezer or chilled cabinet that is used for commercial purposes shall be equipped with a temperature monitoring device.

(2) (a) The temperature monitoring device referred to in paragraph (1) shall be in good working condition.

(b) The reading of the temperature monitoring device shall be clearly visible from the outside of the freezer or chilled cabinet, as the case may be.

## **82. Prohibition**

No food business operator shall store an undressed animal carcass or quarter of carcass in any cold room, freezer or chilled cabinet.

## **PART VIII – FOOD ADDITIVES**

### **83. Definition**

In this Part –

“permitted food additive” means such permitted food additive as may be specified in the Codex Alimentarius – Codex General Standard for Food Additives (Codex Stan 192-1995, Rev.).

### **84. Maximum use level of food additives**

Any food additive that is added to a food shall not exceed the maximum level for that specific food category as specified in the Codex Alimentarius – Codex General Standard for Food Additives (Codex Stan 192-1995, Rev.).

### **85. Prohibition on use of non-permitted additive**

(1) No person shall import, manufacture, store, offer for sale or sell any food additive or any food containing a food additive unless the substance is a permitted food additive specified in the Codex Alimentarius – Codex General Standard for Food Additives (Codex Stan 192-1995, Rev.).

(2) No person shall introduce in or lay on a food any food additive other than a permitted food additive.

(3) No person shall import, manufacture, process, pack, store, offer for sale or sell colouring substance which contain more than –

- (a) one p.p.m of arsenic;
- (b) 10 p.p.m of lead; and
- (c) 100 p.p.m of each of the following –
  - (i) Antimony;
  - (ii) Barium sulphate;

- (iii) Chromium;
- (iv) Copper; or
- (v) Zinc.

**86. Food additive masking food inferiority**

No person shall offer for sale or sell any food in which food additive has been introduced or on which food additive has been laid for the purpose of concealing the fact that the food is substandard or of inferior quality.

**87. Permitted flavouring substance**

- (1) A permitted flavouring substance shall be a substance as specified in the Commission Implementing Regulation (EU) No 872/2012.
- (2) Any permitted flavouring substance that is added to a food shall not exceed the maximum level for that specific food category as specified in the Commission Implementing Regulation (EU) No 872/2012.
- (3) No person shall offer for sale or sell any food in which flavouring substance has been introduced or on which flavouring substance has been laid for the purpose of concealing the fact that the food is substandard or of inferior quality.

**88. Prohibition for non-permitted flavouring substances**

No person shall import, manufacture, process, pack, store, offer for sale or sell –

- (a) any flavouring substance; or
- (b) any food which contains a flavouring substance,

other than a permitted flavouring substance specified in the Commission Implementing Regulation (EU) No 872/2012.

**89. Good manufacturing practice**

- (1) Where the prescribed limit for a food additive in the Codex Alimentarius – Codex General Standard for Food Additives (Codex Stan 192-1995, Rev.) is stated to be “Good Manufacturing Practice (G.M.P)”, the food additive added to food in manufacture or processing shall not exceed the amount required to accomplish the purpose for which that additive is required to be added to that food.

- (2) Where the prescribed limit for a permitted flavouring substance in the Commission Implementing Regulation (EU) No 872/2012 is stated to be *quantum satis*, the food additive added to food in manufacture or processing shall not exceed the amount required to accomplish the purpose for which that additive is required to be added to that food.
- (3) A certificate issued by the Chief Government Analyst certifying that a food contains food additive or flavouring substance against the good manufacturing practice, shall be received in all Courts as conclusive evidence of that fact.
- (4) Where a food contains an additive or a flavouring substance –
  - (a) that is not in accordance with the Codex Alimentarius – Codex General Standard for Food Additives (Codex Stan 192-1995, Rev.) or Commission Implementing Regulation (EU) No 872/2012 ; or
  - (b) in relation to which the maximum permitted level is not prescribed in the Codex Alimentarius – Codex General Standard for Food Additives (Codex Stan 192-1995, Rev.) or the Commission Implementing Regulation (EU) No 872/2012,

the Chief Government Analyst may certify whether the use of the food additive may be authorized and the maximum permitted level thereof.

## **PART IX – SALT**

### **90. Salt**

- (1) No person shall import, manufacture, store, pack, sell or offer for sale any salt other than –
  - (a) food grade salt;
  - (b) iodised salt;
  - (c) reduced sodium salt mixtures; or
  - (d) any other salt approved by the supervising officer.

(2) The salt referred to in paragraph (1) shall be of the standard specified in regulations 91 to 94.

### **91. Composition of food grade salt**

Food grade salt –

- (a) shall contain not less than 95 per cent sodium chloride on a dry matter basis, excluding additives, spices and permitted flavouring substance;
- (b) shall contain not more than 0.2 per cent of matter insoluble in water, excluding additives, spices and permitted flavouring substance;
- (c) may contain spices and permitted flavouring substance; and
- (d) may contain any permitted anticaking agents for this food category as specified in the Codex Alimentarius – Codex General Standard for Food Additives (Codex Stan 192-1995, Rev.).

## **92. Composition of iodised salt**

Iodised salt –

- (a) shall contain not less than 95 per cent sodium chloride on a dry matter basis, excluding additives, spices and permitted flavouring substance;
- (b) shall contain not more than 0.2 per cent of matter insoluble in water, excluding additives, spices and permitted flavouring substance;
- (c) shall contain not less than 15 p.p.m nor more than more than 25 p.p.m of iodine;
- (d) may contain spices and permitted flavouring substance; and
- (e) may contain any permitted anticaking agents for this food category as specified in the Codex Alimentarius – Codex General Standard for Food Additives (Codex Stan 192-1995, Rev.).

## **93. Composition of reduced sodium salt mixtures**

Reduced sodium salt mixtures –

- (a) shall contain not more than 200 grammes per kilogramme of sodium;
- (b) shall contain not more than 400 grammes per kilogramme of potassium;
- (c) shall contain not more than 0.2 per cent of matter insoluble in water, excluding additives; and
- (d) may contain any permitted anticaking agents for this food category as specified in the Codex Alimentarius – Codex General Standard for Food Additives (Codex Stan 192-1995, Rev.).

## **94. Conditions of sale of salt and labelling**

(1) No person shall sell food grade salt, iodised salt or reduced sodium salt mixtures otherwise than in a pre-packed container.

(2) Notwithstanding regulation 4, a pre-packed container under paragraph (1) shall bear a label that shall indicate that –

- (a) the salt is food grade salt, iodised salt or reduced sodium salt mixtures;
- (b) in the case of iodised salt, the presence of potassium and sodium iodates or iodides; and
- (c) in case of reduced sodium salt mixtures, the sodium and potassium content expressed per 100 grammes and in bold lettering the words **“PEOPLE ON MEDICATION FOR DIABETES, HEART OR KIDNEY DISORDERS SHOULD CONSULT THEIR DOCTOR BEFORE USING SUCH SALTS”** or such other words as may be required.

## PART X – CEREAL AND CEREAL PRODUCT

### 95. Prohibition

No person shall import, manufacture, process, pack, store, offer for sale or sell wheat flour unless it is fortified with iron, vitamin B<sub>9</sub>, vitamin B<sub>12</sub> and zinc.

### 96. Fortified wheat flour

Fortified wheat flour –

- (a) shall be the product prepared from grain of common wheat, *triticum aestivum L.*, or club wheat, *triticum compactum host.*, or mixtures thereof, by grinding or milling processes in which the bran and germ are partly removed and the remainder is comminuted to a suitable degree of fineness with the addition of specific micronutrients;
- (b) shall contain
  - (i) not more than 14.0 per cent moisture on a mass by mass basis;
  - (ii) not less than 55 milligrammes iron nor more than 94 milligrammes iron per kilogramme of fortified wheat flour;
  - (iii) not less than 1.3 milligrammes vitamin B<sub>9</sub> nor more than 2.2 milligrammes vitamin B<sub>9</sub> per kilogramme of fortified wheat flour;
  - (iv) not less than 0.01 milligramme vitamin B<sub>12</sub> nor more than 0.014 milligramme vitamin B<sub>12</sub> per kilogramme of fortified wheat flour; and
  - (v) not less than 55 milligrammes zinc nor more than 84 milligrammes zinc per kilogramme of fortified wheat flour;



- (c) shall not exceed total aflatoxin level of 10 microgrammes per kilogramme.
  
- (d) may contain –
  - (i) malted products with enzymatic activity made from wheat, rye or barley;
  - (ii) vital wheat gluten;
  - (iii) soybean flour and legume flour;
  - (iv) any permitted food additive for this food category as specified in the Codex Alimentarius – Codex General Standard for Food Additives (Codex Stan 192-1995, Rev.); and
  - (v) any permitted food conditioner as set out in the Thirteenth Schedule.

**97. Fortified wholemeal wheat flour**

**Fortified wholemeal wheat flour –**

- (a) shall contain
  - (i) not more than 14.0 per cent moisture on a mass by mass basis;
  - (ii) not less than 55 milligrammes iron nor more than 94 milligrammes iron per kilogramme of fortified wheat flour;
  - (iii) not less than 1.3 milligrammes vitamin B<sub>9</sub> nor more than 2.2 milligrammes vitamin B<sub>9</sub> per kilogramme of fortified wheat flour;
  - (iv) not less than 0.01 milligramme vitamin B<sub>12</sub> nor more than 0.014 milligramme vitamin B<sub>12</sub> per kilogramme of fortified wheat flour; and
  - (v) not less than 55 milligrammes zinc nor more than 84 milligrammes zinc per kilogramme of fortified wheat flour;
- (b) shall not exceed total aflatoxin level of 10 microgrammes per kilogramme;
  
- (c) shall contain not less than 2.5 per cent of dietary fibre on a moisture free basis;  
and
  
- (d) malted products with enzymatic activity made from wheat, rye or barley;
  - (ii) vital wheat gluten;
  - (iii) soybean flour and legume flour; and
  - (iv) any permitted food additive for this food category as specified in the Codex Alimentarius – Codex General Standard for Food Additives (Codex Stan 192-1995, Rev.).

(v) any permitted food conditioner as set out in the Thirteenth Schedule.

## 98. Fortified self-raising flour

(1) Fortified self-raising flour shall –

- (a) be any fortified flour or mixture of fortified flours to which baking powder has been added; and
- (b) liberate not less than 0.4 per cent carbon dioxide.

(2) Where fortified self-raising flour contains calcium sulphate as dough conditioner, the flour shall not contain more than 0.6 per cent calcium sulphate.

(3) **Fortified** self-raising flour shall not contain food additives other than those referred to in paragraphs (1)(a) and (2).

## 99. White bread

(1) White bread –

(a) of a weight of –

(i) not less than 100 grammes nor more than 500 grammes shall contain moisture not exceeding 35 per cent of its weight;

(ii) not less than 1,000 grammes nor more than 2,000 grammes shall contain moisture not exceeding 40 per cent of its weight;

(b) commonly known as *baguette* or *flute* shall contain moisture not exceeding 30 per cent of its weight;

(c) shall have a pH range of 5.3 to 6.0 in relation to mass per volume in 10 per cent aqueous solution; and

(d) may contain sodium in an amount not exceeding 400 milligrammes per 100 grammes of bread.

(2) In this regulation –

“white bread” means a product obtained by baking a yeast leavened dough composed of fortified wheat flour, yeast, edible salt, water and permitted leavening agent.

## 100. Wholemeal bread

- (1) Wholemeal bread –
- (a) shall contain not less than 1.8 per cent dietary fibre on a moisture free basis;
  - (b) of a weight of –
    - (i) not less than 100 grammes nor more than 500 grammes shall contain moisture not exceeding 35 per cent of its weight;
    - (ii) not less than 1,000 grammes nor more than 2,000 grammes shall contain moisture not exceeding 40 per cent of its weight;
  - (c) commonly known as *baguette* or *flute* shall contain moisture not exceeding 30 per cent of its weight;
  - (d) shall have a pH range of 5.3 to 6.0 in relation to mass per volume in 10 per cent aqueous solution;
  - (e) in respect of every 100 grammes of its weight, may contain sodium not exceeding 400 milligrammes.
- (2) In this regulation –
- “wholemeal bread” means a product obtained by baking a yeast leavened dough composed of fortified wholemeal wheat flour, yeast, edible salt, water and permitted leavening agent.

## PART XI – EGG AND EGG PRODUCT

### 101. Interpretation

In this Part –

“egg” means –

- (a) an egg of a bird;
- (b) an egg in which no putrefaction and no development of the embryo has begun;
- (c) an egg which has not been incubated;

(d) an egg whose shell is clean, not cracked and not broken;

“egg product” includes liquid egg, liquid egg yolk, liquid egg white, dried egg powder, dried egg yolk powder and dried egg white powder;

“fresh egg” means an egg which has not been subject to any process of cooking or boiling;

“liquid egg” means a whole egg that –

- (a) is frozen or chilled and removed from the shell; and
- (b) contain no food additives or any other ingredients;

“liquid egg white” means the white of fresh egg separated, as completely as practicable, from the yolk of the egg;

“liquid egg yolk” means the yolk of a fresh egg separated, as completely as is practicable, from the egg white.

#### **102. Prohibition for non-compliant egg and egg product, and food containing egg or egg product**

No person shall import, store, offer for sale or sell egg or egg product or food containing egg or egg product unless it complies with the standards specified in regulations 103 to 106.

#### **103. Liquid egg**

No person shall use in the manufacture of food or sell any liquid egg unless it is –

- (a) pasteurised by being retained at a temperature not less than 64 degrees celsius for not less than 2.5 minutes; and
- (b) immediately cooled to a temperature not higher than 4 degrees celsius.

#### **104. Egg not to be used to produce egg product**

Broken or leaker eggs shall not be used to produce egg products.

#### **105. Liquid egg yolk**

- (1) A liquid egg yolk shall not contain any food additives or any other ingredients.
- (2) No person shall use in the manufacture of food or sell any liquid egg yolk unless it is–

- (a) pasteurised by being retained at a temperature not lower than 60 degrees celsius for not less than 3.5 minutes; and
- (b) immediately cooled to a temperature not higher than 4 degrees celsius.

**106. Liquid egg white**

- (1) A liquid egg white shall contain no food additives or any other ingredients.
- (2) No person shall use in the manufacture or sell any liquid egg white unless it is –
  - (a) pasteurised by being retained at a temperature not lower than 55 degrees celsius for not less than 9.5 minutes; and
  - (b) immediately cooled to a temperature not higher than 4 degrees celsius.

**PART XII – SPECIAL PURPOSE FOOD**

**107. Definition**

In this Part –

“blended edible oil” means a mixture of vegetable oils;

“canned food for infant or child” –

- (a) means a wholesome food or mixture of wholesome food, the purpose of which is to feed an infant or a child; but
- (b) does not include any infant formula, follow-up formula or cereal-based food for an infant or a child;

“cereal-based food for infant or child” –

- (a) means processed cereal-based foods prepared primarily from one or more milled cereals, which shall constitute at least 25 per cent of the final mixture on a dry weight basis; and
- (b) includes –
  - (i) food based on cereal, nut, legume or any combination of these, with or without other wholesome food;

- (ii) dry cereal, nut or legume, or a combination of these, and flour derived from them, cooked or uncooked, and so fragmented as to permit dilution with water or milk;
- (iii) rusk and biscuit prepared from cereal, nut or legume or a combination of these, and produced by a baking process and which may be consumed directly or by mixing in water or milk; or
- (iv) milk biscuit which is based on cereal, nut or legume, or a combination of these, and which may be consumed with milk;

"child" means any person aged between 12 months and 36 months;

"formula dietary food" means food that is sold –

- (a) for consumption by an invalid person or a person who requires a special diet, but does not include bread or flour; and
- (b) under medical advice, medical supervision or in such manner as a dietician may recommend, for consumption by a person suffering from a specific physical or physiological condition;

"follow-up formula" means a food intended for use as a liquid part of the weaning diet for an infant aged not less than 6 months and for young children;

"infant" means any person aged not more than 12 months;

"infant formula" means a breast-milk substitute, that is so manufactured as to satisfy, by itself, the nutritional requirements of an infant during the first months of life until the introduction of appropriate complementary feeding;

"special purpose food" means –

- (a) an infant formula;
- (b) a follow up formula;
- (c) a canned food for an infant or a child;
- (d) a cereal-based food for an infant or a child;
- (e) a low energy food;
- (f) a formula dietary food; or
- (g) such other special purpose food as the supervising officer may approve.

### **108. Prohibition for special purpose food containing carbohydrate**

No person shall import, manufacture, process, pack, store, offer for sale or sell any special purpose food bearing a label that comprises the words "SUGARLESS", "SUGAR FREE" or any other similar word, where the special purpose food contains any carbohydrate.

### **109. Specially processed infant formula**

(1) No person shall modify an infant formula which is so processed or formulated as to satisfy particular dietary requirements as a result of physical or physiological conditions of disease or disorder.

(2) Where an infant formula is intended for an infant with special nutritional requirements, there shall be written on the label of such food the specific requirements for which that formula is to be used and the dietary property or properties that are attributed to such food.

(3) No person shall import, manufacture, process, pack, store, offer for sale or sell an infant formula –

- (a) which is treated with ionising radiation; or
- (b) that contains an ingredient which is treated with ionising radiation.

### **110. Infant formula and breast milk**

No person shall –

- (a) advertise or cause to be advertised any infant formula; and
- (b) import, pack, store, offer for sale or sell any infant formula that bears a label that specifies that the infant formula is superior to breast milk.

### **111. Special labelling requirements for infant formula**

(1) No person shall import, manufacture, pack, store, offer for sale or sell any infant formula unless, in accordance with regulation 4, the label sets out –

- (a) the method of preparing the food, including the quantity of food to be used in the preparation to be given to the infant;
- (b) (i) the quantity of the prepared food to be given, at a time; and
- (ii) the frequency at which such quantity of the prepared food may, daily, be given to the infant,

shall be provided for each month of age until the infant is aged 6 months;

- (c) such special storage instruction that may be required before and after the package is opened;
- (d) the nature of the carbohydrate, if any, present in the infant formula;
- (e) the amount of energy expressed in kilocalorie or kilojoule;
- (f) the amount of protein, carbohydrate, fat, vitamin, and mineral contents per 100 grammes or 100 millilitres of the infant formula; and
- (g) the benefits of breastfeeding.

(2) No person shall import, manufacture, process, pack, store, offer for sale or sell an infant formula which does not include the nutrients as specified in the Codex Alimentarius – Standard for Infant Formula and Formulas for Special Medical Purposes Intended for Infants (CXS 72-1981).

(3) No person shall import, manufacture, process, pack, store, offer for sale or sell an infant formula which contains any food additive other than the food additive permitted for this food category and at the levels specified in the Codex Alimentarius – Codex General Standard for Food Additives (Codex Stan 192-1995, Rev.).

## **112. Follow-up formula**

A follow-up formula –

- (a) shall contain milk of cows or any other dairy animal;
- (b) shall contain a total protein of not less than 3 grammes per 100 available calories or 0.7 gramme per 100 available kilojoules nor more than 5.5 grammes per 100 available calories or 1.3 grammes per 100 available kilojoules, respectively, of which the amount of casein shall not be less than 85 per cent;
- (c) shall contain a fat content of not less than 3 grammes nor more than 6 grammes per 100 calories or not less than 0.7 gramme nor more than 1.4 grammes per 100 available kilojoules;
- (d) shall contain not less than 300 milligrammes per 100 calories or 71.7 milligrammes per 100 available kilojoules of linoleic acid;
- (e) shall contain such quantity of vitamins and minerals as may be specified in the Codex Alimentarius – Standard for Follow-up formula (CXS 156-1987);



- (f) shall contain nutritionally available, such quantity of carbohydrates, expressed in kilocalorie or kilojoule, as may be necessary to provide energy;
- (g) shall not contain residues of hormones and antibiotics;
- (h) may contain added essential L-Amino acids;
- (i) may contain other useful nutrients; and
- (j) may contain such permitted food additive for this food category as specified in the Codex Alimentarius – Codex General Standard for Food Additives (Codex Stan 192-1995, Rev.).

### **113. Standards for canned food for an infant or a child**

(1) No person shall import, manufacture, process, pack, store, offer for sale or sell any canned food for an infant or a child in ready to eat form unless it complies with the standards specified in paragraph (2).

(2) A canned food for an infant or a child in ready to eat form –

(a) shall be –

- (i) processed by heat for the purpose of preventing spoilage; and
- (ii) packed in a hermetically sealed can, jar or other container;

(b) shall be homogenous or comminuted and –

- (i) shall be strained and contain particles in such small size that does not require chewing before being swallowed; or
- (ii) non-strained and containing particles of such size that encourages chewing by an infant or a child;

(c) may contain sodium in such quantity that it does not exceed one gramme per kilogramme of the product, calculated on the ready to eat basis; and

(d) may contain such permitted food additive for this food category as specified in the Codex Alimentarius – Codex General Standard for Food Additives (Codex Stan 192-1995, Rev.).

### **114. Special labelling requirements for canned food for an infant or a child**

(1) No person shall import, manufacture, pack, store, offer for sale or sell any canned food for an infant or a child unless, in accordance with regulation 4, the label mentions –

- (a) the words “STRAINED” or “NON-STRAINED”, followed by the name of the food;
- (b) the words “NOT TO BE GIVEN TO INFANTS UNDER 6 MONTHS OF AGE”;
- (c) the common name of the animal or vegetable or plant from which the ingredient contained in the canned food is derived, in descending order of proportion;
- (d) the amount of energy expressed in kilocalories or kilojoules;
- (e) the amount of protein, fat, carbohydrate, vitamin and mineral content per 100 grammes of the food;
- (f) the directions for preparation and use of the food; and
- (g) such special storage instruction that may be required before and after the package is opened.

(2) No person shall import, manufacture, process, pack, store, offer for sale or sell a canned food for an infant or a child, that does not include the nutrients specified in the Codex Alimentarius – Standard for Processed Cereal-Based Foods for Infants and Young Children (CXS 74–1981).

#### **115. Standards for cereal-based food for infant or child**

(1) No person shall import, manufacture, process, pack, store, offer for sale or sell any cereal-based food for an infant or a child unless it complies with the standards specified in paragraph (2).

(2) (a) The total sodium content of cereal-based food for an infant or a child shall not exceed 1.5 grammes per kilogramme on a ready to eat basis.

(b) The content of protein in cereal-based food for an infant or a child other than cereal-based food for infants and children to be taken with milk, shall not be less than 15 per cent on a water free basis, and the quantity of the protein shall not be less than 70 per cent of that of casein.

(c) Where cereal-based food for an infant or a child is taken with milk, it shall contain not less than 6 per cent of protein on a ready to eat basis and the quantity of the protein shall not be less than 70 per cent of that of casein.

(d) No cereal-based food for an infant or a child and no ingredients used in the manufacture of such food shall have been treated with ionising radiation.

(e) Cereal-based food for an infant or a child may contain such permitted food additive for this food category as may be specified in the Codex Alimentarius – Codex General Standard for Food Additives (Codex Stan 192-1995, Rev.).

#### **116. Special labelling requirements for cereal-based food for an infant or a child**

(1) No person shall import, manufacture, pack, store, offer for sale or sell any cereal-based food for an infant or a child unless, in accordance with regulation 4, the label mentions –

- (a) the words “NOT TO BE GIVEN TO AN INFANT UNDER 6 MONTHS OF AGE”;
- (b) the words “CEREAL-BASED FOOD FOR AN INFANT OR A CHILD”;
- (c) the common name of the cereal and its proportion;
- (d) the form of the cereal-based food, including "CEREAL FOR AN INFANT OR A CHILD", "RUSK FOR AN INFANT OR A CHILD", "BISCUIT" or "MILK BISCUIT FOR AN INFANT OR A CHILD”;
- (e) the amount of energy expressed in kilocalories and kilojoules;
- (f) the amount of protein, fat, carbohydrate, vitamin and mineral content per 100 grammes or 100 millilitres of the food;
- (g) directions for preparation and use of the food; and
- (h) such special storage instruction that may be required before and after the package is opened.

(2) No person shall import, manufacture, process, pack, store, offer for sale or sell a cereal-based food for an infant or a child that does not include the nutrients as specified in the Codex Alimentarius – Standard for Processed Cereal-Based Foods for Infants and Young Children (CXS 74-1981).

#### **117. Formula dietary food**

A formula dietary food may contain such permitted food additive for this food category as may be specified in the Codex Alimentarius – Codex General Standard for Food Additives (Codex Stan 192-1995, Rev.).

### **118. Special labelling requirements for formula dietary food**

No person shall import, manufacture, process, pack, store, offer for sale or sell any formula dietary food unless, in accordance with regulation 4, the label mentions –

- (a) the words “FORMULA DIETARY FOOD” or an appropriate equivalent term corresponding to the product;
- (b) a statement of the quantity of the food to be consumed in one day;
- (c) a statement of the energy yield, expressed in kilocalorie or kilojoule, of that quantity of the food;
- (d) the proportion of protein, fat, and carbohydrate in the food; and
- (e) an indication that the use of such formula dietary food requires medical advice, medical supervision or as recommended by a dietician.

### **119. Dietary food**

(1) No person shall import, manufacture, process, pack, store, offer for sale or sell food as –

- (a) reduced calorie food unless the calorie contained in that food is one-third lower than the calorie content that the food normally has; and
- (b) dietary product unless it complies with the requirements for low energy food and reduced calorie food.

(2) Dietary food may contain such permitted food additive for this food category as may be specified in the Codex Alimentarius – Codex General Standard for Food Additives (Codex Stan 192-1995, Rev.).

### **120. Special labelling requirements for dietary product**

No person shall import, manufacture, process, pack, store, offer for sale or sell any dietary product unless, in accordance with regulation 4 –

- (a) there is on the label, the details of the claim on which special suitability is based; and
- (b) the label does not provide any specification in respect of maintaining or reducing body weight.

## **PART XIII – EDIBLE OIL OR FAT**

### **121. Edible oil or fat**

An edible oil or fat shall comply with the Codex Alimentarius – Standard for Named Vegetable Oils (CXS 210-1999).

#### **122. Blended edible oil**

(1) Blended edible oil shall –

- (a) contain a peroxide value of not more than 10 milli-equivalents peroxide oxygen per kilogramme of oil; and
- (b) contain not more than 23 per cent of saturated fatty acids on a fat weight basis.

(2) Where palm oil is used, the saturated fatty acids on a fat weight basis shall not exceed 25 per cent of the blended edible oil.

#### **123. Maximum permissible level of fatty acids**

No person shall import, manufacture, process, pack, store, offer for sale or sell any food specified in the first column of the Fourteenth Schedule, unless it complies, in respect of the food, with the maximum permissible level of polyunsaturated fatty acid, saturated fatty acid, palm oil or industrial trans-fatty acid as specified in the second column of the Schedule.

### **PART XIV – MAYONNAISE AND SAUCE**

#### **124. Mayonnaise**

(1) No person shall manufacture, produce, process or pack mayonnaise without a written authorisation issued by the supervising officer.

(2) The supervising officer may grant an authorisation on such conditions as he may determine.

(3) Where a person fails to comply with the conditions imposed in the authorisation referred to in paragraph (2), the supervising officer may revoke the authorisation.

### **PART XV – MILK AND MILK PRODUCTS**

#### **125. Definition**

In this Part –

“cream powder” means milk product, which can be obtained by the partial removal of water from cream;

“partly skimmed milk powder” means the product obtained by removing water from partly skimmed milk;

“pasteurised milk” means –

- (a) milk which has been heat-treated and retained at a temperature of not less than 63 degrees celsius nor more than 65 degrees celsius for 30 minutes, and immediately cooled to a temperature of not more than 4 degrees celsius, aseptically packed and maintained at that temperature until delivery; or
- (b) milk which has been heat-treated and retained at a temperature of not less than 72 degrees celsius for 15 seconds, and immediately cooled to a temperature of not more than 4 degrees celsius, aseptically packed and maintained at that temperature until delivery;

“reduced-fat milk” or “partly skimmed milk” means milk from which a considerable proportion but not all of the milk fat has been removed;

“skimmed milk” means milk from which essentially all the milk fat has been removed;

“skimmed milk powder” means milk product, which can be obtained by the partial removal of water from skimmed milk;

“whole milk” –

- (a) means the clean and fresh mammary secretion obtained by milking dairy animals obtained from one or more milkings for consumption as liquid milk or for further processing; but
- (b) does not include colostrum.

“whole milk powder” or “dried whole milk” means milk product, which can be obtained by the partial removal of water from milk.

## **126. Prohibition**

No person shall import, manufacture, process, pack, store, offer for sale, sell or consign whole milk, processed milk or any milk products unless it complies with the standards specified in regulations 127 to 139.

## **127. Standard for whole milk**

Whole milk –

- (a) shall contain not less than –
  - (i) 3 per cent milk fat; and
  - (ii) 8.5 per cent milk solids-non-fat;
- (b) shall not contain any –
  - (i) added water;
  - (ii) food additive.

**128. Standard for skimmed milk**

Skimmed milk shall –

- (a) contain not more than 0.5 per cent of milk fat;
- (b) contain not less than 8.5 per cent milk solids-non-fat;
- (c) not contain any –
  - (i) added water;
  - (ii) food additive.

**129. Standard for reduced-fat milk**

Reduced-fat milk or partly skimmed milk shall –

- (a) contain more than 0.5 but less than 3 per cent milk fat;
- (b) contain not less than 8.5 per cent milk solids-non-fat;
- (c) not contain any –
  - (i) added water;
  - (ii) food additive.

**130. Special labelling requirement for skimmed milk and reduced-fat milk**

No person shall import, manufacture, store, offer for sale or sell any package containing skimmed milk or reduced-fat milk unless, in accordance with regulation 4 –

- (a) the words "SKIMMED MILK" or "REDUCED-FAT MILK", as the case may be, are mentioned on the label; and
- (b) the words "NOT SUITABLE FOR CHILDREN UNDER 5 YEARS EXCEPT ON MEDICAL ADVICE" or any such words are mentioned in a prominent place on the package.

**131. Milk powder, skimmed milk and reduced-fat milk to be sold in sealed packages**

No person shall sell milk powder, skimmed milk or reduced-fat milk otherwise than in a sealed package.

**132. Condition for storing pasteurised milk**

A food business operator of a milk plant or a person who sells pasteurised milk shall ensure that the milk is, at all times, properly kept at a temperature of not more than 4 degrees celsius until it is delivered or sold for human consumption.

**133. Standard for cream powder**

Cream powder –

- (a) shall not contain more than 5 per cent water on a mass by mass basis;
- (b) shall contain not less than 42 per cent milk fat on a mass by mass basis;
- (c) shall contain not less than 34 per cent of milk protein as milk solids-non-fat on a mass by mass basis; and
- (d) may contain any permitted food additive for this food category as specified in the Codex Alimentarius – Codex General Standard for Food Additives (Codex Stan 192-1995, Rev.).

**134. Standard for whole milk powder**

Whole milk powder or dried whole milk –

- (a) shall not contain more than 5 per cent water on a mass by mass basis;
- (b) shall contain not less than 26 per cent and not more than 42 per cent milk fat on a mass by mass basis;
- (c) shall contain not less than 34 per cent of milk protein as milk solids-non-fat on a mass by mass basis; and



- (d) may contain any permitted food additive for this food category as specified in the Codex Alimentarius – Codex General Standard for Food Additives (Codex Stan 192-1995, Rev.).

### **135. Standard for skimmed milk powder**

Skimmed milk powder –

- (a) shall not contain more than 1.5 per cent milk fat on a mass by mass basis;
- (b) shall not contain more than 5 per cent water on a mass by mass basis;
- (c) shall contain not less than 34 per cent of milk protein as milk solids-non-fat on a mass by mass basis; and
- (d) may contain any permitted food additive for this food category as specified in the Codex Alimentarius – Codex General Standard for Food Additives (Codex Stan 192-1995, Rev.).

### **136. Standard for partly skimmed milk powder**

Partly skimmed milk powder –

- (a) shall contain more than 1.5 per cent and less than 26 per cent milk fat on a mass by mass basis;
- (b) shall not contain more than 5 per cent water on a mass by mass basis;
- (c) shall contain not less than 34 per cent of milk protein as milk solids-non-fat on a mass by mass basis; and
- (d) may contain any permitted food additive for this food category as specified in the Codex Alimentarius – Codex General Standard for Food Additives (Codex Stan 192-1995, Rev.).

### **137. Special labelling requirement for cream powder, whole milk powder, skimmed milk powder and partly skimmed milk powder**

No person shall import, manufacture, pack, store, offer for sale or sell any package that contains –

- (a) cream powder or whole milk powder unless, in accordance with regulation 4, the words “THIS PRODUCT IS NOT SUITABLE FOR INFANTS EXCEPT ON MEDICAL ADVICE”; or
  - (b) skimmed milk powder or partly skimmed milk powder unless, in accordance with regulation 4, the words “THIS PRODUCT IS NOT SUITABLE FOR CHILDREN UNDER 5 YEARS EXCEPT ON MEDICAL ADVICE”;
- or any such words are mentioned in a prominent place on the package.

**138. Special labelling requirement for reconstituted whole milk, reconstituted skimmed milk and reconstituted partly skimmed milk**

No person shall import, manufacture, pack, store or sell any package containing –

(a) reconstituted whole milk in accordance with regulation 4, the words “NOT SUITABLE FOR INFANTS EXCEPT ON MEDICAL ADVICE”; or

(b) reconstituted skimmed milk or reconstituted partly skimmed milk unless, in accordance with regulation 4, the words “NOT SUITABLE FOR CHILDREN UNDER 5 YEARS EXCEPT ON MEDICAL ADVICE”.

**139. Special labelling requirement for filled milk powder, blend of skimmed milk and vegetable fat in powdered form, and reduced-fat blend of skimmed milk powder and vegetable fat in powdered form**

No person shall import, manufacture, pack, store, offer for sale or sell any package containing filled milk powder, blend of skimmed milk and vegetable fat in powdered form or reduced-fat blend of skimmed milk powder and vegetable fat in powdered form unless, in accordance with regulation 4 –

(a) the words “THIS PRODUCT IS NOT SUITABLE FOR CHILDREN UNDER 5 YEARS EXCEPT ON MEDICAL ADVICE ” or any such words; and

(b) the type and amount of vegetable fat or oil used therein,

are mentioned on the label.

**PART XVI – MEAT AND MEAT PRODUCTS**

**140. Different meat not to be processed together**

(1) No person shall process or pack meat of different animals in the same section of a meat processing establishment.

(2) Notwithstanding paragraph (1), nothing shall prevent a person from mixing meat from animal of different common appellation for sale as a mixed meat product.

**PART XVII – FISH AND FISH PRODUCT**

**141. Fish unsafe for human consumption**

(1) Fish shall be unsafe for human consumption –

(a) where the fish is radioactive;

(b) where the fish contains a Total Volatile Basic Nitrogen (TVB-N) of more than 25 milligrammes of nitrogen per 100 grammes of fish flesh; or

(c) where the body fats of the fish have a peroxide value of more than 20.

(2) Paragraph (1)(c) shall not apply to elasmobranch fish, including chimaeras, ray, shark and skate.

(3) Fish commonly known as dorade, tuna or becune shall be unsafe for human consumption where the histamine value is more than 100 parts per million for one sample of fish.

## **PART XVIII – PACKAGED WATER AND NATURAL MINERAL WATER**

### **142. Prohibition**

No person shall import, process, pack, store, offer for sale or sell packaged water for human consumption unless it complies with the standards specified in regulations 143 to 145.

### **143. Packaged water**

(1) Packaged water –

(a) shall comply with the guidance values as specified in the Fifteenth Schedule; –

(b) may contain –

(i) minerals, naturally occurring or intentionally added;

(ii) carbon dioxide, naturally occurring or intentionally added; and

(c) shall not contain –

(i) sugars;

(ii) additives other than carbon dioxide;

(iii) flavouring substances; or

(iv) other foodstuffs.

(2) In this regulation –

“packaged water” means water for human consumption obtained from a source that is free from pollution and shall not include natural mineral water.

#### **144. Special labelling requirements for packaged water**

No person shall import, process, pack, store, offer for sale or sell packaged water for human consumption unless, in accordance with regulation 4, it is not specified in the label that the water has or may have therapeutic effects.

#### **145. Special labelling requirements for natural mineral water**

No person shall import, process, pack, store, offer for sale or sell natural mineral water for human consumption unless, in accordance with regulation 4 –

- (a) the name of the source from where the natural mineral water is obtained;
- (b) the amounts of sodium, calcium, potassium, magnesium, bicarbonates, chloride, sulphates and fluoride present; and
- (c) a statement indicating that “THE PRODUCT IS NOT SUITABLE FOR INFANTS AND CHILDREN UNDER THE AGE OF SEVEN YEARS” where the water contains, per litre, more than 1.5 milligrammes of fluorides,

as specified on the label.

### **PART XIX – FSMS CERTIFICATION REQUIREMENT FOR FOOD ESTABLISHMENTS**

#### **146. FSMS certification for specific types of food establishments**

- (1) (a) Every food establishment –
  - (i) where mayonnaise is manufactured; or
  - (ii) where meat, milk or fish is processed; or
  - (iii) water or natural mineral water is bottled,

shall have a certified Food Safety Management System (FSMS).

(b) Notwithstanding paragraph (a)(ii), the supervising officer shall designate food establishment where –

- (i) meat; or
- (ii) milk; or
- (iii) fish is processed,

to have a certified Food Safety Management System (FSMS).

- (c) A certificate referred to in subparagraphs (a) shall be accredited by –
  - (i) the Mauritius Accreditation Service under the Mauritius Accreditation Service Act; or
  - (ii) such other Accreditation Body which is a signatory and member to ILAC Mutual Recognition Arrangement (ILAC MRA) or to the International

Accreditation Forum (IAF) Multilateral Recognition Arrangement (IAF MRA).

(d) The certificate referred to in this regulation shall, upon request of the authorised officer, be available for inspection.

(2) (a) No food business operator shall –

- (i) manufacture mayonnaise; or
- (ii) pack water or natural mineral water,

on any food establishment that does not possess a certified Food Safety Management System (FSMS).

(b) No food business operator shall process –

- (i) meat; or
- (ii) milk; or
- (iii) fish,

on a food establishment designated as such by the supervising officer under paragraph (1)(b) unless such food establishment possesses a certified Food Safety Management System (FSMS).

(3) No food business operator shall import –

- (a) mayonnaise; or
- (b) processed meat, milk or fish; or
- (c) packaged water and natural mineral water,

from any food establishment that does not possess a certified Food Safety Management System (FSMS).

(4) Where a food business operator has been convicted of an offence under paragraph (2), and he continues to operate his business, the Court may further order him to cease operation forthwith.

## **PART XX – FOOD PROHIBITED FOR SALE IN EDUCATIONAL INSTITUTIONS**

### **147. Sale of food on premises of educational institutions**

(1) For the purpose of this regulation -

"educational institution" means a school or an institution in the pre-primary, primary and secondary sub-sectors of education;

"pre-primary school" has the same meaning as in the Early Childhood Care and Education Authority (Registration of Pre-Primary Schools) Regulations 2011

"primary school" has the same meaning as in the Education Act;

"secondary school" has the same meaning as in the Education Act.

(2) No person shall, on the premises of any educational institution, sell any food other than food which is specified in Part I of the Sixteenth Schedule.

(3) Notwithstanding paragraph (2), food items listed in Part II of the Sixteenth Schedule may be sold on the premises of any educational institution which are provided with appropriate kitchen and facilities, and which meet the requirements as specified in regulation 35.

(4) Subject to paragraph (3), a food business operator shall ensure that food prepared on the premises of any educational institution shall -

- (a) not contain more than 10 grammes of total fats and oils per 100 grammes of the food;
- (b) not contain more than 5 grammes of added sugar per 100 grammes of the food;
- (c) not contain any added monosodium glutamate, soya sauce, mayonnaise; and
- (d) not be deep fried.

(5) Paragraphs (2), (3) and (4) shall not apply to the sale of food on premises of an educational institution during occasional functions such as fancy fairs or any other special celebration.

**148 . Revocation**

The following regulations are revoked -

- (a) The Food Regulations 1999.
- (b) Food (Sale of Food on Premises of Educational Institutions) Regulations 2009.

**149. Commencement**

These regulations shall come into operation on ..... 2023.

Made by the Minister on ..... 2023.

**FIRST SCHEDULE**  
[Regulation 4(1)(k)]

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

1. Alcoholic beverages containing at least 10 per cent alcohol by volume
2. Bakers' or pastry-cooks' wares, which given the nature of their content, are normally consumed within 24 hours of their manufacture
3. Chewing gum
4. Confectionary products consisting of flavoured and/or coloured sugars
5. Fresh fruits and vegetables, including tubers, which have not been peeled, cut or similarly treated
6. Non-fortified solid sugars
7. Non-iodised food grade salt
8. Vinegar

## **SECOND SCHEDULE**

[Regulation 24(1)]

### **LIST OF FOOD AND PRE-PACKED FOOD REQUIRING PRE-MARKET APPROVAL**

1. Any novel food
2. Food produced using gene technology
3. Irradiated food

**DRAFT**



**THIRD SCHEDULE**  
[Regulation 24(2)(a)]

**MINISTRY OF HEALTH AND WELLNESS**

**THE FOOD REGULATIONS 2023**

**APPLICATION FOR PRE-MARKET APPROVAL OF FOOD AND PRE-PACKED FOOD INTENDED FOR HUMAN CONSUMPTION**

Name and address of importer/manufacturer .....

Common name of food/product .....

Scientific name of food/product (if any) .....

Country of origin .....

Any laboratory certificate produced .....

Composition of the food/product .....

Brand name .....

Type of package .....

Material used for packaging .....

Specimen of label produced/not produced .....

Any special storage conditions .....

Has the food been treated with ionising radiation .....

Has the food been subjected to any treatment .....

If so, indicate what treatment .....

Name of applicant .....

Address of applicant .....

.....  
Signature of applicant

.....  
Date

**FOURTH SCHEDULE**

[Regulations 24(2)(c),28(2)(c), 28(4)(d), 48(4)(d), 48(5)(b) and 48(7)(b)]

**FEEES FOR PRE-MARKET APPROVAL OF FOOD, CLEARANCE OF FOOD AND FOOD HANDLER’S CERTIFICATE**

**PART I**

**Pre-market approval of food**

**Fee per pre-market approval granted (Rs)**

Issue of pre-market approval of food

5000

**PART II**

**Clearance of food**

**Fee per clearance granted (Rs)**

For the purpose of verification of food and issue of clearance to Customs

1000

**PART III**

<b>Food Handler’s Certificate</b>	<b>Fee per Food Handler’s Certificate (Rs)</b>
(1) Issue or renewal of Food Handler’s Certificate	300
(2) Issue of a duplicate Food Handler’s Certificate	100

**FIFTH SCHEDULE**  
[Regulation 26]

**LABORATORY FEES FOR FOOD ANALYSIS BY THE GOVERNMENT ANALYST AND  
EXAMINATION BY THE FOOD MICROBIOLOGIST**

**PART I**

<b>Test parameters</b>	<b>Fee per analysis/test (Rs)</b>
Acid insoluble ash	1,500
Acidity as lactic acid in milk	500
Alcohol content (by alcoholmeter)	1,000
Alcohol extract	1,000
Alkalinity	500
Alkalinity of water soluble ash	1,500
Ash	1,000
Boiling point	750
Brix	1,000
Calcium water soluble (in salt)	1,000
Colour in water	1,500
Conductivity	1,000
Fat content	2,500
Fibre in food	1,500
Fixed acidity in alcoholic drink	1,000
Free fatty acid	1,000
Freezing point	750
Gluten	1,000

Iodine value	1,500
Magnesium water soluble (in salt)	1,000
Matter insoluble in water	750
Melting point	750
Moisture	1,000
Peroxide value	1,000
pH	500
Plastics identification	1,000
Protein	1,000
Radioactivity	1,000
Rancidity	1,000
Refractive index	1,000
Saponification value	1,500
Sodium chloride content	1,000
Solubility in milk powders	1,000
Specific gravity	1,000
Sugar (sucrose)	1,500
Sulphate (in salt)	2,000
Thickeners/Gelling agent (qualitative)	2,000
Sulphur dioxide	1,000
Total solids	1,000
Total volatile nitrogen	2,000
Turbidity	1,000
Volatile acidity in alcoholic drink	1,000

Water soluble ash 1,000

**PART II**

**Test parameters requiring hi-tech equipment**

**Fee per analysis/test (Rs)**

Atomic absorption spectrophotometry	1,500
Fourrier transform infrared spectrophotometry	3,000
Gas chromatography – mass spectrometry	12,000
Gas-liquid chromatography analysis	6,000
High performance ion chromatography analysis	6,000
High performance liquid chromatography analysis	6,000
Inductive coupled plasma – mass spectrometry	3,000
Polarimeter	6,000
Polymerase Chain Reaction analysis	6,000
Protein analyser	3,000
Liquid chromatograph – mass spectrometry	12,000
Ultra violet/visible spectrophotometry	3,000

**PART III**

**Toxicological test**

**Fee per analysis/test (Rs)**

Toxicological test 1,000

**PART IV**

<b>Microbiological examination</b>	<b>Fee per examination/test (Rs)</b>
Microbiological examination	2000

**PART V**

<b>Copy of Certificate</b>	<b>Fee per copy (Rs)</b>
Copy of a certificate of analysis or examination	100

**DRAFT**

**SIXTH SCHEDULE**  
[Regulations 31(2), 32(2)(c), 32(3) and 34(c)]

**MINISTRY OF HEALTH AND WELLNESS**

**CERTIFICATE OF SAMPLING**  
(under the Food Regulations 2023)

To .....

This is to certify that in accordance with regulations 31(2), 32(2)(c), 32(3) and 34(c) of the Food Regulations 2023, ..... (units or lots) of ..... (name of food) from a consignment of ..... Ex ..... and lying at ..... (address), have been taken for purposes of analysis/microbiological/physical examination\*.

The consignment has been/has not been\* sealed until receipt of the result of the analysis or examination.

.....  
Name of authorised officer

.....  
Signature of authorised officer

.....  
Date

.....  
Office stamp

.....  
Name of importer/agent

.....  
Signature of importer/agent

.....  
Date

.....  
Name

*\*Delete as appropriate*

**SEVENTH SCHEDULE**  
[Regulation 31(4)]

**MINISTRY OF HEALTH AND WELLNESS**

**REPORT OF SAMPLING TO THE MAURITIUS REVENUE AUTHORITY**  
(under the Food Regulations 2023)

To  
The Director-General, Mauritius Revenue Authority

This is to certify that samples of food taken in accordance with regulation 31 of the Food Regulations 2023 from a consignment of .....  
..... (quantity, mark and name of food) in  
accordance with bill of entry number ....., lying at  
..... (place of landing) bearing seal number ..... and  
consigned to .....  
..... (name of importer).

The consignment has been analysed/examined\* and found to comply/not to comply\* with the provisions of the Food Act 2022.

You are kindly requested to take action for the destruction/disposal\* of the above mentioned food commodities, in the interest of public health.

Please inform me about the date of destruction/disposal\* thereof so as to enable supervision by this Ministry.

.....  
Name of authorised officer

.....  
Signature of authorised officer

.....  
Date

.....  
Office stamp

*\* Delete as appropriate*



**EIGHTH SCHEDULE**  
[Regulations 32(2)(c), 32(3) and 34(c)]

**MINISTRY OF HEALTH AND WELLNESS**

**NOTICE OF SAMPLING TO THE FOOD BUSINESS OPERATOR**  
(under the Food Regulations 2023)

To .....

This is to certify that by virtue of regulations 32(2)(c) and (3) and 34(c) of the Food Regulations 2023 and section 10 of the Food Act 2022, the hereunder specified foodstuffs that ..... had ..... been ..... lying ..... at ..... (address) have been taken for purposes of analysis/microbiological examination/physical examination\*.

Name of food	Quantity

.....  
Name of authorised officer

.....  
Signature of authorised officer

.....  
Name of food business operator

.....  
Signature of food business operator

.....  
Date

.....  
Name

*\* Delete as appropriate*

\_\_\_\_\_

## NINTH SCHEDULE

[Regulation 35]

### DESIGN AND CONSTRUCTION OF FOOD PREMISES

1. The food business operator of any food premises shall ensure that –

- (a) the building and facilities are of sound construction and maintained in good repair;
- (b) the building and facilities are appropriate for the activities for which the premises are used;
- (c) all construction materials are such that they do not transmit any substance which affects or is likely to affect the safety of food found on the premises;
- (d) adequate working space is provided for the satisfactory performance of all operations relating to the manufacturing, cooking or preparation of food and for the fixtures, fittings and equipment used thereof;
- (e) measures are taken to –
  - (i) exclude dirt, dust, fumes, smoke and other contaminants;
  - (ii) prevent the entry of flies, birds, rodents, domestic animals, pets and other pests;
  - (iii) prevent the harborage of pests and rodents;
- (f) the building and facilities are so designed as to facilitate hygienic operations by means of a regulated flow in the process from the arrival of raw material at the premises to the finished product, and shall provide for appropriate temperature conditions for the process and product; and
- (g) those areas where food is processed and where there is the likelihood of cross-contamination, are adequately separated.

#### 2. Water supply

The food business operator of any food premises shall ensure that his food premises have an adequate supply of potable water at all times.

#### 3. Sewage and waste water disposal

The food business operator of any food premises shall ensure that –

- (a) the food premises have a sewage and waste water disposal system that –
  - (i) effectively disposes of all sewage and waste water; and
  - (ii) is constructed and located so that there is no likelihood of the sewage and waste water polluting the water supply or contaminating food.
- (b) there is no sewage pipe, drain or inspection chamber in the building or section where food is prepared.

#### **4. Storage of garbage**

The food business operator of any food premises shall ensure that –

- (a) there are on the premises adequate impervious garbage receptacles with close fitting lid;
- (b) where appropriate, foot operated pedal refuse receptacles are provided;
- (c) all food refuse and garbage are placed in garbage receptacles which are removed from the premises as often as necessary and at least daily;
- (d) all garbage receptacles are cleaned and disinfected regularly;
- (e) as directed by an authorised officer, a garbage room at low temperature is provided for the storage of garbage before its collection and disposal.

#### **5. Ventilation**

The food business operator of any food premises shall ensure that –

- (a) his food premises have sufficient natural or mechanical ventilation, to effectively remove fumes, smoke, steam and vapours from the food premises, and
- (b) any cooking point is adequately hooded.

#### **6. Lighting**

The food business operator of any food premises shall ensure that his food premises have a lighting system that provides sufficient natural or artificial light for the activities conducted on the food premises.

## **7. Floors**

The food business operator of any food premises shall ensure that –

- (a) floors are designed and constructed in such a way that is appropriate for the activities conducted on the food premises;
- (b) floors are –
  - (i) made of such materials, without crevices, for effective cleaning and disinfection;
  - (ii) unable to absorb grease, food particles or water;
  - (iii) adequately sloped for liquids to drain to trapped outlets.

## **8. Walls and ceilings**

The food business operator of any food premises shall ensure that walls and ceilings are –

- (a) designed and constructed in such a way that is appropriate for the activities conducted on the food premises;
- (b) provided where they are necessary, to protect food from contamination;
- (c) sealed to prevent the entry of dirt, dust and pests;
- (d) unable to absorb grease, food particles or water;
- (e) able to be easily and effectively cleaned.

## **9. Fixtures, fittings and equipment**

The food business operator of any food premises shall ensure that –

- (a) fixtures, fittings and equipment are –
  - (i) adequate for the production of safe food;
  - (ii) fit for their intended use;

- (b) fixtures and fittings are designed, constructed, located and installed, and equipment are designed, constructed, located and, if necessary and as directed by the authorised officer, installed, so that –
  - (i) there is no likelihood of food contamination;
  - (ii) they are able to be easily and effectively cleaned;
  - (iii) adjacent floors, walls, ceilings and other surfaces are able to be easily and effectively cleaned;
- (c) the food contact surfaces of fixtures, fittings and equipment are –
  - (i) able to be effectively cleaned and, if necessary, sanitized, if there is a likelihood that they will cause food contamination;
  - (ii) unable to absorb grease, food particles and water, if there is a likelihood that they will cause food contamination;
  - (iii) made of material that will not contaminate food;
- (d) eating and drinking utensils are able to be effectively cleaned and sanitized;
- (e) all overhead structures and fittings are installed in such a manner as to avoid contamination, directly or indirectly, of food or raw materials by condensation or drip;

#### **10. Hand washing facilities**

The food business operator of any food premises shall ensure that –

- (a) the food premises is provided with hand washing facilities –
  - (i) that are located where they can be easily accessed by food handlers;
  - (ii) within areas where food handlers work, if their hands are likely to be a source of contamination of food;
  - (iii) immediately adjacent to toilets or toilet cubicles;
- (b) subject to subparagraph (a), hand washing facilities shall be –

- (i) permanent fixtures;
- (ii) connected to or otherwise provided with a supply of running potable water;
- (iii) of a size that allows easy and effective hand washing; and
- (iv) clearly designated for the sole purpose of washing hands, arms and face.

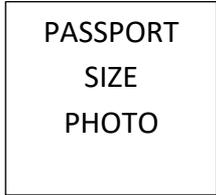
## **11. Other facilities**

The food business operator of any food premises shall ensure that the food premises is provided –

- (a) where appropriate, with a scullery separated from the food preparation area and provided with dishwasher or stainless steel washbasins with potable running water;
- (b) where appropriate, with toilet facilities as directed by the authorised officer, which shall not have direct communication with the area where food is processed, stored, sold or consumed and which shall at all times be kept clean, well ventilated and lit;
- (c) with adequate and conveniently located changing facilities for employees, where all personal effects and clothing shall be kept; and
- (d) with any such facilities which may be imposed by an authorised officer.

**TENTH SCHEDULE**  
[Regulation 48(2)(a)]  
**MINISTRY OF HEALTH AND WELLNESS**  
**FOOD HANDLER'S CERTIFICATE**  
( issued under the Food Regulations 2023)

**FOOD REGULATIONS 2023**



Ref: no. .... /20.....

Health Office.....

This is to certify that Mr/Mrs/Miss\* .....  
..... (name) holder of National Identity Card no. /Passport  
no.\* ..... and residing at .....  
..... has been examined\*\* by  
me.

Based on the medical examination, he/she\* is found free from any infectious or  
communicable diseases of food safety concern and hence fit to work in a food  
establishment.

.....

.....

Name of Government Medical Officer

Signature

.....  
Date

.....  
Office stamp

This is to certify that Mr/Mrs/Miss\* .....  
..... (name) has successfully followed a food safety and hygiene training course which was completed on .....(date) and has been awarded a food handler certification.

The Food Handler's Certificate hereby issued to Mr/Mrs/Miss\* .....  
..... (name) shall remain valid for a period of 3 years from the date of its issue.

.....  
Name of Authorised Officer

.....  
Rank of Authorised Officer

.....  
Signature of Authorised Officer

.....  
Date

.....  
Stamp

**Notes**

\* Delete as appropriate

\*\* The medical examination may include any test required to confirm any communicable or infectious disease of food safety concern which the person is suspected to be suffering from on clinical examination



**ELEVENTH SCHEDULE**  
[Regulation 63(2)(a)]

**MICROBIOLOGICAL STANDARD FOR SPECIFIED FOOD**

Specified food	MANDATORY (colony forming unit [cfu])											INDICATOR (cfu)	
	Salmonella	Campylobacter	E. Coli O157 and other Shiga-toxin producing E. Coli	Vibrio cholerae	Other pathogenic vibrio	S. aureus	Coliform	E.coli	Listeria monocytogenes	Clostridium perfringens	Bacillus cereus	Total viable count (30 °C) 48 hrs	Coliform
Raw meat & poultry	Absent in 25 g		Absent in 25 g										
Raw bivalve molluscs	Absent in 25 g			Absent in 25 g	Absent in 25 g			3 per g					
Raw fish	Absent in 25 g			Absent in 25 g	Absent in 25 g								
Raw Crustacean	Absent in 25 g			Absent in 25 g	100 per g								
Dried sea food	Absent in 25 g			Absent in 25 g	Absent in 25 g								
Cooked crustacean	Absent in 25 g			Absent in 25 g	Absent in 25 g	100 per g		10 per g				10 <sup>6</sup> per g	
Egg (liquid, dried, white or yolk)	Absent in 25 g					100 per g	10 per g					10 <sup>5</sup> per g	
Infant formula	Absent in 25 g					10 per g	10 per g		Absent in 25 g			10 <sup>4</sup> per g	
Pasteurised	Absent in 25						Absent in		Absent in				

milk	mL						1 mL		25 mL				
Full cream milk powder, skimmed milk powder, milk cream	Absent in 25 g					100 per g	10 per g		Absent in 25 g			10 <sup>4</sup> per g	

Specified food	MANDATORY (colony forming unit [cfu])											INDICATOR (cfu)	
	Salmonella	Campylobacter	E. Coli O157 and other Shiga-toxin producing E. Coli	Vibrio cholerae	Other pathogenic vibrio	S. aureus	Coliform	E.coli	Listeria monocytogenes	Clostridium perfringens	Bacillus cereus	Total viable count (30 °C) 48 hrs	Coliform
Ice-cream, milk ice	Absent in 25 g					100 per g		1 per g	Absent in 25 g			10 <sup>5</sup> per g	100 per g
Yoghurt	Absent in 25 g					100 per g		Absent in 1 g	Absent in 25 g				10 per g
Milk-based drink	Absent in 25 g	Absent in 25 g	Absent in 25 g			100 per g		1 per g	Absent in 25 g			10 <sup>5</sup> per g	100 per g
Canned food	Absent	Absent	Absent	Absent	Absent	Absent		Absent	Absent	Absent			
Ice							Absent in 100 mL	Absent in 100 mL					
Cheese	Absent in 25 g					100 per g for pasteurised		10 per g for pasteurised	Absent in 25 g				
						1,000 per g for unpasteurised		10,000 per g for unpasteurised	Absent in 25 g				

Ready to eat food other than those specified above	Absent in 25 g	Absent in 25 g	Absent in 25 g	Absent in 25 g	Absent in 25 g	100 per g		100 per g	Absent in 25 g	100 per g	10,000 per g	10 <sup>6</sup> per g	10,000 per g
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DRAFT

## TWELFTH SCHEDULE

[Regulation 63(2)(e)]

### MAXIMUM PERMISSIBLE LEVEL OF METHANOL IN ALCOHOLIC BEVERAGE

Maximum permissible level of Methanol (g/L of 100 per cent Vol. Alcohol)	Alcoholic beverage
0.05	London gin
0.1	Vodka
2	Wine spirit
2	Brandy (other than grape white brandy, pear brandy and plum brandy)
7	Grape white brandy, pear brandy and plum brandy
7	Other spirits, fruit wine, vegetable wine and mead
10	Grape marc spirit
10	Fruit spirits
10	Cider spirit, perry spirit and cider and perry spirit
12	Fruit spirits produced from the following fruits or berries – <ul style="list-style-type: none"><li>– apple (<i>Malus domestica</i> Borkh.),</li><li>– apricots (<i>Prunus armeniaca</i> L.),</li><li>– plum (<i>Prunus domestica</i> L.),</li><li>– quetsch (<i>Prunus domestica</i> L.),</li><li>– mirabelle (<i>Prunus domestica</i> L. subsp. <i>syriaca</i> (Borkh.) Janch. ex Mansf.),</li></ul>

– peach (*Prunus persica* (L.) Batsch),

– pear (*Pyrus communis* L.), except for Williams pears (*Pyrus communis* L. cv 'Williams'),

– blackberry (*Rubus* sect. *Rubus*),

– raspberry (*Rubus idaeus* L.).

13.5 Fruit spirits produced from the following fruits or berries

– quince (*Cydonia oblonga* Mill.),

– juniper berry (*Juniperus communis* L. or *Juniperus oxicedrus* L.),

– Williams pear (*Pyrus communis* L. cv 'Williams'),

– blackcurrant (*Ribes nigrum* L.),

– redcurrant (*Ribes rubrum* L.),

– rosehip (*Rosa canina* L.),

– elderberry (*Sambucus nigra* L.),

– rowanberry (*Sorbus aucuparia* L.),

– sorb apple (*Sorbus domestica* L.),

– wild service tree (*Sorbus torminalis* (L.) Crantz).

Fruit marc spirit

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## THIRTEENTH SCHEDULE

[Regulations 96 (d) (v) and 97 (d) (v) ]

### PERMITTED FOOD CONDITIONER

1. Amylase
2. Aspariginase
3. Bromelain
4. Cellulase
5. Glucose oxydase (from *Aspergillus niger var*)
6. Hemicellulase, including xylanase, endoxylanase
7. Protease (from *Aspergillus oryzae*)
8. Protease (from *Bacillus subtilis*)
9. All other enzymes authorised in the French Regulations 'Arrêté du 19 Octobre 2006 relatif à l'emploi d'auxiliaires technologiques dans la fabrication de certaines denrées alimentaires'

## FOURTEENTH SCHEDULE

[Regulation 123]

### PERMITTED LEVEL OF FATTY ACIDS

#### PART I

<b>Food</b>	<b>Maximum Permissible Level</b>
Hydrogenated oils and fats for industrial purpose	Not more than 85 per cent saturated fatty acids on the fat weight basis
Industrial margarine	Not more than 75 per cent saturated fatty acids on the fat weight basis
Margarine rich in polyunsaturates	(1) Not less than 45 per cent of polyunsaturated fats on the fat weight basis; and (2) Not more than 25 per cent of saturated fats on the fat weight basis
Other margarine, fat spreads, minarine or halvarine and blended spreads	(1) Not more than 60 per cent saturated fats on the fat weight basis; and (2) Not more than 25 per cent of palm oil
Edible mixtures or preparations of animal or vegetable fat or oil or of fractions of different fats or oil	(1) Not more than 23 per cent of saturated fatty acids; and (2) Not more than 25 per cent of palm oil
Edible oil or fat	Not more than 23 per cent of saturated fatty acids
Vegetable fats (Vanaspati)	Not more than 30 per cent saturated fatty acids on the fat weight basis

#### PART II

**Food**

**Maximum permissible level of saturated fatty acids per 100g of edible portion (%)**

Pasta, breakfast cereals, malted instant drink powder	5
Ready to eat savouries, fried cakes, fried chicken, and noodles	10
Chocolate other than dark chocolate, coffee whiteners and confectioneries	25
Imitation cream, cooking chocolate and dark chocolate	35
Biscuits, wafers, pastry, cakes, filled milk and filled milk product thereof (not including other types of milk and milk products)	15
Any other food product	25

**PART III**

**Food**

**Maximum permissible level**

Food in which edible fat is used as an ingredient.

Contain industrial-trans fatty acids not more than 2g per 100g of total fat present in the food.



## FIFTEENTH SCHEDULE

[Regulation 143(1)(a)]

### GUIDELINE VALUES FOR PACKAGED WATER

PARAMETER	STANDARDS
<b><u>Microbial</u></b>	
Total coliforms	Shall not be detectable in any 100 ml sample
E-coli	
Faecal streptococcus	
Salmonella	
Pseudomonas aeruginosa	
Sulphite reducing clostridia	
Pathogenic protozoa	Absent
<b><u>Physico-chemical</u></b>	
pH	6.5-8.5
Total dissolved solids	1,000 mg/l
Turbidity	5 NTU
<b><u>Organoleptic</u></b>	
Colour	20 Pt-Co
Taste and odour	Not objectionable

### **Trace metals**

Aluminium	0.2 mg/l
Arsenic	0.01 mg/l
Cadmium	0.003 mg/l
Copper	1 mg/l
Lead	0.01 mg/l
Mercury	0.001 mg/l
Total Chromium	0.05 mg/l
Zinc	3.0 mg/l
Nickel	0.02 mg/l

### **Anions**

Chloride	250 mg/l
Fluoride	1.5 mg/l
Sulphate	250 mg/l
Nitrate	50 mg/l (as NO <sub>3</sub> )
Nitrite	3 mg/l (as NO <sub>2</sub> )
Bromate	10 µg/l

### **Pesticides**

Aldrin and dieldrin	0.03 µg/l
DDT	1 µg/l
Lindane	2 µg/l
HCB	1 µg/l
Methoxychlor	20 µg/l

Heptachlor and Heptachlor oxide

0.03 µg/l

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**SIXTEENTH SCHEDULE**  
[Regulations 147 (2) and (3)]

**Food which may be sold on the premises of educational institutions**

**Part I**

Cassava (manioc) (plain boiled)

*Dholl pourri*

*Farahta*

Fresh and cooked vegetables

Fruits, other than fruits cooked in sugar, candied fruits, crystallized fruits and pickled fruits

*Idli*

Maize (boiled or roasted)

Nuts (boiled or roasted), including almonds, cashew nuts, peanuts and pistachios

*Oundé*

*Pain Fourré*

Packaged water

Pancake

Panini

Pizza

Pitta bread

Pre-packed juice without added sugar

Pudding made of bread, cassava, maize, semolina, vermicelli or any other authorised food in this schedule

Pulses (boiled or roasted)

*Puttu*

Reduced fat yoghurt with or without fruits and without any sweetening substance and shall contain –

- (a) more than 0.5 but less than 3 per cent milk fat;
- (b) added sugar (sucrose contents) not exceeding 5 per cent; and
- (c) a calcium content from milk of at least 200 milligrammes.

Sandwich

Sweet potato (*patate*) (plain boiled)

Wrap

Yam (*arouille*) (plain boiled)

## Part II

Air-fried food

Rice

Pasta

Breakfast cereals (not coated with sugar, chocolate or honey)

Skimmed milk

Cheese

Meat, fish and chicken

Eggs

Pulses

Soya products except soya sauce

Freshly prepared fruit juice without the addition of sugar

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