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**National Health Regulatory Authority:**

**Decision No (10) of 2013 regarding the Definition of Healthy Foods  
and the Regulation of their Licensing**

President of the Board of Directors of the National Health Regulatory Authority:

Having reviewed Legislative Decree No.(18) of 1997 regarding Regulation of the Pharmacy Profession and Pharmacy Centres;

Law No. (38) of 2009 establishing the National Health Regulatory Authority,

And Decision No. (1) of 2002 regarding Suspending Allowing New Stores and Places to Sell Healthy Foods;

And Decision No. (2) of 1989 regarding the Regulation of the Import and Sale of Healthy Foods;

And upon the approval of the Board of Directors of the National Health Regulatory Authority in its session No. (8/2013) held on 27/8/2013;

And upon the submission of the Chief Executive Officer of the National Health Regulatory Authority,

**Hereby Decides:**

## **Definitions**

### **Article (1)**

In applying the provisions of this decision, the following words and expressions shall have the meanings assigned to them below, unless the context requires otherwise:

**1) The Authority:** The National Health Regulatory Authority.

**2) Board of Directors:** The Board of Directors of the Authority.

**3) Chief Executive Officer:** The Chief Executive Officer of the Authority.

**4) The Competent Committee:** The Healthy Food Licensing Committee stipulated in Article (11) of this Decision.

**5) Healthy Food:** Every local or imported product that contains nutritional elements such as vitamins, salts, or any other nutritional elements that add nutritional benefit to it for certain groups of patients, or that has a physiological effect in order to supplement the nutritional value, or that has medical claims. Its final form takes a pharmaceutical form.

### **Classification of Healthy Food**

#### **Article (2)**

Healthy foods are classified according to their type and the characteristics of their constituent elements, and are divided into major groups according to the table approved by the Board of Directors. The Board of Directors may revise this classification at the request of the Chief Executive Officer after a study prepared by the Pharmacy and Pharmaceutical Control Directorate of the Authority.

### **Licenses to Display and Sell Healthy Foods**

#### **Article (3)**

Only licensed pharmacy centres, nutrition centres or licenced commercial shops may display or sell healthy food without obtaining a license to do so in accordance with the procedures, terms and conditions stipulated in this decision.

#### **Article (4)**

An application for obtaining a license to display and sell healthy foods shall be submitted to the Health Facilities Department of the Authority on the form prepared for this purpose, accompanied by the following documents:

- 1) An engineering or schematic drawing indicating the dimensions of the place designated for displaying healthy foods.
- 2) A copy of the applicant's identity card or passport.
- 3) A copy of the license issued to the pharmacy centre, nutrition centre, or commercial store in which the activity is required to be practiced.
- 4) A list of the devices that will be equipped with the place.
- 5) An estimated list of the quantity and quality of healthy foods in the field of activity.
- 6) A form with the approvals of the relevant concerned authorities if the place whose activity is required to be licensed is entirely limited to displaying and selling healthy foods.

#### **Article (5)**

To grant a license to display and sell healthy foods, the following technical requirements shall be met in the places designated for this:

- 1) The space designated for displaying food shall be suitable for carrying out the activity and the quantity of supply, and shall be well ventilated and lit.
- 2) The location should be far from any direct or indirect source of pollution or sources of moisture.
- 3) The materials used in the decoration of the place should be easy to clean, safe to use, and protect the displayed food from sunlight, dust, moisture, insects, etc.
- 4) The place shall be air-conditioned, commensurate with the required temperature; to ensure the preservation of the displayed food and prevent spoilage, with the necessity of having a temperature and humidity indicator placed in a visible place for measurement, and in the

event that the food displayed require certain conditions to be preserved from spoilage, a special place shall be allocated for it that allows it to meet the required preservation conditions.

5) That the means of safety be provided in accordance with the regulations approved by the concerned authorities, such as civil defence.

6) A banner measuring 40 cm \* 25 cm shall be placed in the place designated for displaying food, on which is clearly written in both Arabic and English, the phrase "designated for healthy foods".

7) Any other requirements decided by the Board of Directors.

#### **Article (6)**

The applicant shall be notified within a week from the date of his completion of the license application and the documents of the date set by the Authority's Health Facilities Department for an inspection by one of the Authority's inspectors of the place where the activity will commence and to ensure that the technical requirements mentioned in this decision are met in the presence of the applicant or his representative.

The inspector prepares a technical report to that effect, which the head of the Health Facilities Department at the Authority presents to the competent committee.

#### **Article (7)**

The term of the license to display and sell healthy food is for a renewable period of two years, after payment of the prescribed fee. The application for renewal shall be submitted at least one month before the expiry of the license period. It may be renewed with the same fee prescribed for

granting the license, and with the same procedures followed for the license application and the technical requirements that shall be met.

## **Licenses to Import and Export Healthy Foods**

### **Article (8)**

Healthy foods may not be imported, for the purpose of wholesale or retail sale, as well as export without obtaining a license to do so from Pharmacy and Pharmaceutical Control Directorate of the Authority based on a recommendation from the competent committee, after paying the prescribed fee.

The license shall specify the types and quantities of healthy foods to be imported or exported.

### **Article (9)**

The license to import healthy food for the purpose of retail sale is only granted to places licensed to display and sell healthy food, and it is not granted for the purpose of wholesale trade except after ensuring the existence of storage warehouses whose area is commensurate with the quantity of food to be imported. And that safe storage conditions are available in them, in a way that prevents spoilage or deterioration or contamination of stored food, according to the list of technical requirements prepared by the Authority's Health Facilities Department and approved by the Board of Directors.

### **Article (10)**

The application for obtaining a license to import or export healthy foods shall be submitted to the Pharmacy and Pharmaceutical Control Directorate of the Authority on the form prepared for this purpose, accompanied by the following documents:

**1)** A copy of the trade register of the facility requesting the import, indicating the activities it undertakes.

**2)** A copy of the applicant's identity card and his status.

Taking into account the previous paragraph of this Article, the facility applying for a license to import healthy foods shall provide all the data on the types and quantities of healthy foods to be imported, and to attach to its application, in particular, the following documents:

**1)** A list of healthy foods to be imported, signed by the applicant or his representative.

**2)** An official certified certificate issued by the competent health authority in the country of origin proving that what is required to be imported is authorized for use, and that it is already being circulated with the same specifications and composition as exported in the country of origin.

**3)** An official attested certificate proving that the factory or manufacturer follows the principles of good manufacturing practice, and that it is subject to periodic inspection by the competent authorities in the country of origin, with the name and address of the control authority mentioned.

**4)** A documented and certified certificate issued by the producing company showing the composition of the food item to be imported, the elements included in it, the percentages of each concentration thereof, and the active and inactive elements using the international names for these elements.

**5)** A certificate issued by an accredited laboratory in the country of origin stating that physical, chemical and microbiological analysis has been conducted, proving the safety of the food to be imported from harmful, toxic or polluting substances.

**6)** Evidence of compliance with Gulf specifications and standards for healthy food.

**7)** Any other documents, data or information requested by the competent committee.

It is not permissible to import or customs release the imported consignment except after the approval of the Pharmacy and Pharmaceutical Control Directorate based on a recommendation from the competent committee, in which the types and quantities of healthy foods to be imported are specified.

## **Health Food Licensing Committee**

### **Article (11)**

A committee shall be established in the Authority called (Healthy Food Licensing Committee) to decide on applications for licensing the sale and display healthy foods, recommending their import and export, placing special restrictions on their circulation, prohibiting their circulation and preventing their import, and any other tasks assigned to it by the Board of Directors, and its formation and work system shall be issued by a decision of the Board of Directors.

The competent committee shall decide on the application for licensing the sale and display of healthy foods, or recommending an application for their import or export, whether by approval or rejection, within a period not exceeding thirty days from the date of its submission, provided that the applicant is notified of the decision issued in his regard, and if the decision is rejected, it shall be reasoned.

## **Promoting Healthy Food**

### **Article (12)**

Healthy foods may not be promoted by any means without obtaining the written approval of the Authority, after making sure that its content is identical to the uses of the advertised substance, and according to documented scientific information about its effectiveness, and that it does not include intimidation or exaggeration or contain deceptive or misleading information or tempting people, and not harming or prejudice any medical drugs or pharmaceutical preparations, or affecting the customs and traditions prevailing in society.

### **Article (13)**

After ensuring that the conditions stipulated in the previous article are met, the applicant is granted a license to approve the promoting of the substance specified in his request, in which the duration and means of advertisement are specified, and the information that shall be included in his advertising substance after paying the prescribed fee. In the event of refusal to grant the license, the decision shall be reasoned.

### **Article (14)**

Without prejudice to the provisions of Legislative Decree No. (14) of 1973 regarding the Organization of Advertisements, and its Implementing regulation, in the event that the authority is aware of the advertisement of a healthy food, when the advertisement is in the form of banners hanging in a square or street, without obtaining a license for it in accordance with the procedures stipulated in this decision, the Chief Executive Officer of the Authority shall submit to the Advertising Committee provided for in Legislative Decree No. (14) of 1973 - referred to - a reasoned memorandum requesting the removal of the advertisement through the administrative method in order to take its decision regarding the removal, and implement it at the expense of the violator.

The Authority may not be claimed for any compensation for any damage that may be caused to the advertisement, equipment or others as a result of the implementation of the removal.

If the advertisement is by any other means, read, audio, or visual, the Chief Executive Officer may issue a decision obliging the licensee to stop publishing, if he violates the terms of the license to advertise, and obliging him to amend his advertisement to be in accordance with the license issued to him, and to notify about that by using the same means of advertisement and in the same area. If the violation is repeated, he will be warned in writing, cancelling the license. If the licensee insists on violating it despite being warned, the license issued to him shall be revoked, and the concerned authorities shall be notified of it in order to take action to stop the advertisement.

## **Inspection and Control of the Sale of Healthy Foods**

### **Article (15)**

The licensee to engage in the activity of displaying and selling healthy foods shall ensure their safety for consumption, and in particular the following:

- 1)** Complete cleanliness of the place of display and of the products displayed on the shelves designated for them, as well as of the workers licensed to deal with healthy food.
- 2)** Displaying each material in the appropriate way that suits its preservation conditions.
- 3)** Refrain from displaying household cleaners, pesticides, or products with pungent smells beside the displayed healthy foods.

- 4) The displayed packages shall be stacked in such a way that it is easy to read the data attached to them, and to facilitate the process of pulling the oldest to the newest.
- 5) There shall be a sufficient distance between the packages for the air to pass over the largest possible area.
- 6) Avoiding materials whose properties affect each other.
- 7) Displaying healthy foods in their original packaging, in addition to a sticker printed on the selling price to the public.
- 8) Ensure that his employees whose work is related to healthy food are free from infectious diseases according to the health certificate issued by the competent authority.
- 9) Provide the Authority with the names of the workers referred to in the previous clause, and notify the Authority of any changes that may occur in their status.
- 10) Dismissing any worker showing symptoms of illness or showing blisters, wounds, or skin ulcers on his hands, or having contact with a patient with an infectious disease, and informing the authority in the event of any infectious disease appearing for any of his workers whose work is related to healthy food.

### **Article (16)**

The authority's employees, who have the capacity of Judicial Police, shall have the authority to inspect places where healthy foods are sold and displayed; in order to verify the implementation of the provisions of Legislative Decree No. (18) of 1997 regarding the Regulation of the Pharmacy Profession and Pharmacy Centres, and the provisions of this decision. The person who inspects the pharmacy centres is required to be a pharmacist.

These inspectors, in order to carry out their work, shall enter the places that display and sell healthy foods, prove any violations, and review the books, papers, and records of these foods. They may also take samples of these foods.

These inspectors have the authority to detect violations, write reports, and refer them to the Public Prosecution through the Chief Executive Officer.

### **Article (17)**

The Board of Directors, based on a recommendation issued by the competent committee, may place special restrictions on the circulation of healthy foods subject to the provisions of this decision, or prohibit their circulation and prevent their import. If there are reports from the competent authorities calling for this, and trading shall be prohibited if the production or circulation of the food item is stopped in the country of origin.

### **Article (18)**

Decision No. (2) of 1989 regarding the Regulation of the Import and Sale of Healthy Foods, and Decision No. (1) of 2002 regarding Suspending Allowing New Stores and Places to Sell Healthy Foods, shall be repealed.

### **Article (19)**

The Chief Executive shall implement this decision, and it shall come into force from the day following the date of its publication in the Official Gazette.

**President of the Board of Directors of the National Health  
Regulatory Authority Dr Waheed Ali Oqab**

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Corresponding to: 27 August 2013