

FOOD FORTIFICATION REGULATIONS, 2020

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Supplement "A" to The Gambia Gazette No. 70 of 10th November, 2020
Legal Notice No. 58 of 2020

REPUBLIC OF THE GAMBIA

FOOD SAFETY AND QUALITY ACT, 2011
ACT NO. OF 2011

FOOD FORTIFICATION REGULATIONS, 2020

IN EXERCISE of the powers conferred on the Vice President under Section 59 of the Food Safety and Quality Act, 2011, these Regulations are made.

PART I – PRELIMINARY

1. Citation

These Regulations may be cited as Food Fortification Regulations, 2020.

2. Interpretation

In these Regulations, unless the content otherwise requires –

"Advertising" means the publicity of goods and description of all products which include any form of notices in circulars, hand-outs, labels, wrappers, catalogues and price list, internet media platforms, billboards, posters, newspapers, magazines and any other document made orally or otherwise or by means of projected light and sound recording;

"Advertisement" means the publicity of goods and description of all products which include any form of notices in circulars, hand-outs, labels, wrappers, catalogues and price list, internet media platforms, billboards, posters, newspapers, magazines and any other document made orally or otherwise or by means of projected light and sound recording;

"Authority" means the Food Safety and Quality Authority of The Gambia;

"establishment" means any premises engaged in placing food on the market, including premises where products are prepared, processed (including slaughtered) packaged or stored;

"Fortificant" means the prescribed compound which provides the specified micronutrient;

"Fortification" means the addition of vitamins, mineral nutrients or amino acids to a food whether or not it is normally contained in the

food for the purpose of preventing or correcting a demonstrated deficiency of one or more nutrients in the population;

"Fortified Foods" are food products to which vitamins, mineral nutrients or amino acids have been added to for the purpose of preventing or correcting a demonstrated deficiency of one or more nutrients in the population;

"Logo" means any symbol authorised by the Authority for use on the packaging or label of certain foods to signify approval by the Competent Authority.

"Micronutrient" means a natural or synthesized vitamin, mineral, or trace element that is essential for normal growth, development and maintenance of life and of which a deficit will cause characteristic, biochemical or physiological changes;

"Mineral Nutrient" means any of the following chemical elements, whether alone or in a compound form with one or more other chemical elements –

- (a) calcium;
- (b) phosphorus;
- (c) iron;
- (d) sodium;
- (e) potassium;
- (f) iodine;
- (g) zinc;
- (h) copper;
- (i) magnesium; and
- (j) manganese;

"Nutrient Reasonable Value; NRV" means a set of numerical values that are based on scientific data for purposes of nutrition labelling and relevant claims;

"Testimonial" with respect to a food that is represented as contained vitamin, mineral nutrient or an amino acid, means any pictorial, written

or oral representation as to the result that is, has been or may be, produced by addition to a person's diet of the vitamin, mineral nutrient or amino acid, as the case may be;

"Vitamin" means any of the following vitamins or their synonymous names –

- (a) vitamin A (include retinol and retinal);
- (b) derivatives excluding carotenes);
- (c) vitamin B1 or thiamine;
- (d) vitamin B2 or riboflavine;
- (e) nicotinic Acid or nicotinamide;
- (f) vitamin B6 or pyridoxine;
- (g) folic acid;
- (h) d-pantothenic acid;
- (i) biotin;
- (j) vitamin B12 or cyanocobalamine;
- (k) vitamin C or L-ascorbic acid; and
- (l) any salt or derivative of a vitamin listed in paragraph (a) to (j) of these Regulations;

"Vitamin A" means any of the following or their synonymous names-

- (a) vitamin A;
- (b) retinol and retinol derivatives; and
- (c) any salt or derivative of vitamin A.

3. Application

(1) These Regulations shall apply to all fortified food products listed in Schedule III of these Regulations that are manufactured, imported, distributed, advertised, sold or used in The Gambia to which micronutrients are added.

(2) These Regulations does not apply to food products for export.

(3) These Regulations shall apply to organisations or individuals (hereinafter referred to as establishments) licensed or registered to manufacture, process, trade and import micronutrients and food products fortified with micronutrients to meet domestic consumption demands and other agencies, organisations and individuals concerned.

PART II - COMPETENT AUTHORITIES FOR THE IMPLEMENTATION AND ENFORCEMENT OF THESE REGULATIONS

4. Implementing and enforcing Authority

(1) The Agency shall be responsible for implementing and enforcing the provisions under these Regulations.

(2) In enforcing these regulations, the authority may delegate some of its powers to competent bodies and person.

PART III – FORTIFICATION, PROHIBITION, ADVERTISEMENT, LABELLING, PACKAGING, ETC

5. Food products required to be fortified with micronutrients

(1) Food products listed in Schedule III of these Regulations shall be fortified with micronutrients listed in the corresponding national standards.

(2) For all fortified food products for which gazetted national standards exist, the requirements of such standards are enforced under these Regulations for conformity assessment.

(3) Guidance for voluntary fortification of food products that are fortified for which there are no national developed Standards are provided in Schedule II of these Regulations.

6. Prohibition

A person or establishment shall not -

- (a) manufacture, process, import, sell, distribute or advertise any food product that is represented on the label as fortified, enriched or use a terminology as may be applicable with micronutrients unless the particular food product is registered with the Authority;

- (b) manufacture, process, import, sell, distribute or use food products specified in Schedule III to these Regulations, unless it is fortified micronutrients as per the corresponding Gambian Standards referenced in same Schedule of these Regulations;
- (c) sell or advertise a food product as fortified or enriched with vitamins and minerals, unless the intake of that food product by a person will result in the NRV of more than the quantity of vitamins and mineral nutrients specified in Schedule II to these Regulations; and
- (d) manufacture, process, import, advertise, sell, distribute, store or use any micronutrient fortified or enriched food product as treatment, preventive or curative, for any diseases, disorders or abnormal physical states specified in Schedule I to these Regulations.

7. Advertisement of food products to which no micronutrients has been added

A person or establishment shall not, in advertising a food product to which no micronutrients has been added, label such food product that the food product is –

- (a) "enriched with" any micronutrient even when the said micronutrient is intrinsic to the product or raw materials thereof;
- (b) "a source" or "a dietary source" of any of the vitamins and minerals nutrient referred to in these Regulations, if the reference intake of that food by such person is not less than the level as specified in Schedule II to these Regulations;
- (c) "a good source" of any of the vitamins and minerals nutrient referred to in these regulations, if the reference intake of that food by a person would result in the daily intake by such person of not less than the amount as specified in schedule II to these Regulations; or
- (d) an "excellent source" or an "excellent dietary source" or "excellent diet source" of any of the vitamins and mineral nutrient referred to in these Regulations, if the reference intake of that food by a person would result in daily intake by such person of not less than the amount as specified in Schedule II to these Regulations.

8. Label declaration of food to which micronutrient has been added

(1) Declaration of nutrient should be numerical. However, the use of additional means such as a logo authorized by the Authority shall be acceptable.

(2) The values used in nutrient declaration shall be weighted average values derived from data specifically obtained from analysis of food products which are representative of the product being labelled.

(3) Numerical information on vitamins and minerals shall be expressed in metric units and/or as a percentage of the NRV per 100g or 100ml or per package if the package contains a single portion. In addition, the information may be given per serving as quantified on the label or per portion provided that the number of portions contained in the package is stated.

(4) With the exception of food products listed in schedule III, vitamins and minerals can only be declared if they meet the requirements as stipulated in Schedule II to these Regulations.

(5) The vitamin and mineral content must be at least 5% of the NRV per serving which shall be expressed as a percentage of the NRV per 100g or per 100 ml or per package if the package contains only a single portion and per serving as quantified on the label.

(6) When nutrient declaration is applied, unless otherwise stipulated in a relevant Gambian Standard, vitamins and minerals which are present in amounts less than 5% of the NRV per 100 g or 100 ml or per serving as quantified on the label should not be declared.

(7) Notwithstanding Regulation 8, all food products shall comply with the Gambian Standard for the Labelling of Pre-packaged Food (Gams CODEX STAN 1-1985) and any other regulations that shall be promulgated by the Authority.

9. Packaging

Pre-packaged food products fortified with micronutrients shall be –

- (a) packaged and distributed in a container that shall safeguard the hygienic, nutritional, organoleptic and other qualities of the product;

- (b) in a container which the packaging material of the substances are safe and suitable for their intended use; and
- (c) packaged in a manner that takes into consideration the nature of the fortificant added and its effect on the shelf life of such food product.

10. Responsibility of establishments licensed or registered to manufacture, process or trade in micronutrients and food products fortified with micronutrients

It is the responsibility of a food processing, manufacturing, importing, trading or distributing establishment to ensure that -

- (a) their manufacturing, processing, trading and importing of micronutrient and food products fortified with micronutrients comply with provisions of this national regulation and other relevant laws, regulations and standards,
- (b) they assume liability for their micronutrient products and food products fortified with micronutrients that are not consistent with this regulation, relevant national laws, and standards on food safety. This include ensuring the safety and purity of the micronutrients and their compositions thereof, and
- (c) micronutrient and food fortified with micronutrient processing establishment must autonomously procure micronutrients for the purpose of manufacturing or processing food products fortified with micronutrients to meet their own demands.

PART III – MISCELLANEOUS

11. Offences and Fines

(1) A person or establishment who manufacture, process, import, sell, distribute or advertise any food product that is represented on the label as fortified, enriched or any such terminology as may be applicable with micronutrients commits an offence and is liable to a fine of not exceeding one hundred and fifty thousand dalasis.

(2) A person or establishment shall manufacture, process, import, sell, distribute or use food products specified in Schedule III to this Regulations, without the fortified micronutrients as per the corresponding Gambian Standards referenced in same schedule of

this Regulations commits an offence and is liable to a fine of not exceeding one hundred thousand dalasis.

(3) A person or establishment who manufacture, process, import, advertise, sell, distribute, store or use any micronutrient fortified or enriched food product as treatment, preventive or curative, for any of the diseases, disorders or abnormal physical states specified in Schedule I to these Regulations commits an offence and is liable to a fine of not exceeding one hundred and fifty thousand dalasis.

(4) A person or establishment shall not, in advertising a food product to which no micronutrients has been added or on a label of such food, state –

(a) that the food is "enriched with" any micronutrient even when the said micronutrient is intrinsic to the product or raw materials thereof; or

(b) that the food is "a source" or "a dietary source", "a good source", "excellent source" or an "excellent dietary source" or "excellent diet source" of any of the vitamins and mineral nutrients referred to in these Regulations, if reference intake of that food product by a person would result in daily intake by such person of not less than the amount as specified in Schedule II to these Regulations,

any person or establishment who contravene this section commits and offence and is liable to a fine of not exceeding one hundred and fifty thousand dalasis.

12. Repeal of the Salt Iodization Regulation 2005

(1) The Food Fortification and Salt Iodization Regulations 2005 is hereby repealed.

(2) Notwithstanding the repeal –

(a) all act done or purported to have been done under regulations shall not be affected by the repealed regulations;

(b) all appointments, or programs made or given under the repealed Regulations, and not inconsistent with these Regulations, shall continue to be in force; and

(c) all assets, funds, resources and other moveable property which before the commencement of these Regulations were vested in the Authority shall remain with the Authority.

SCHEDULE 1

**DISEASES, DISORDERS OR PHYSICAL ABNORMAL
PHYSICAL STATE**

- | | | |
|---|--|---|
| 1. Acquired Immune Deficiency Syndrome (AIDS) | 22. Any genital or urinary diseases not mentioned elsewhere in this schedule | 45. Plague |
| 2. Corona Virus Disease (COVID) 19 | 23. Glaucoma | 46. Pleurisy |
| 3. Appendicitis | 24. Goitre | 47. Pneumonia |
| 4. Arteriosclerosis | 25. Hay fever | 48. Poliomyelitis |
| 5. Asthma | 26. Heart disease | 49. Rabies |
| 6. Blood disorder | 27. Hernia | 50. Rheumatic fever |
| 7. Cancer | 28. High blood pressure | 51. Schistosomiasis |
| 8. Cataract | 29. Infective hepatitis | 52. Sexual impotence, Loss of virility or Sterility |
| 9. Diabetes | 30. Influenza | 53. Sleeping sickness |
| 10. Cholera | 31. Jaundice | 54. Small pox |
| 11. Diphtheria | 32. Kidney disease | 55. Snake bite |
| 12. Disorder of menstrual flow | 33. Leprosy | 56. Syphilis |
| 13. Disorder of prostate gland | 34. Locomotor ataxia | 57. Tetanus |
| 14. Dysentery | 35. Loss of youth | 58. Trachoma |
| 15. Encephalitis | 36. Measles | 59. Tuberculosis |
| 16. Enteric fever | 37. Meningitis | 60. Tumors |
| 17. Epilepsy | 38. Mental conditions | 61. Typhoid fever |
| 18. Erysipelas | 39. Mumps | 62. Undulant fever |
| 19. Filariasis | 40. Nervousness | 63. Ulcers of the gastro-intestinal tract |
| 20. Gall stones, kidney stones and bladder stones | 41. Nutritional disorders | 64. Venereal diseases |
| 21. Gangrene | 42. Obesity | 65. Yaws |
| | 43. Onchocerciasis | 66. Yellow fever |
| | 44. Paralysis | 67. Alcoholism |

SCHEDULE 2

MICRONUTRIENT REFERENCE VALUE (NRVs)

Vitamins and Minerals	Values
Vitamin A	800 (µg)
Vitamin D	5 (µg)
Vitamin E	9 (mg)
Vitamin C	100 (mg)
Vitamin B1 (Thiamine)	1.2 (mg)
Vitamin B2 (Riboflavin)	1.2 (mg)
Niacin	15 (mg)
Vitamin B6 (Pyridoxine)	1.3 (mg)
Folic Acid	400 (µg)
Vitamin B12	2.4 (µg)
Biotin	30 (µg)
Pantothenic Acid	5 (mg)
Calcium	1000 (µg)
Vitamin k	60 (µg)
Phosphorus	700 (mg)
Iron	14 (mg)
Magnesium	310 (mg)
Zinc	11 (mg)
Iodine	150 (µg)
Copper	900 (µg)
Selenium	60 (µg)
Manganese	3 (µg)
Molybdenum	45 (µg)

SCHEDULE 3

FOOD PRODUCTS FOR WHICH MANDATORY FORTIFICATION IS REQUIRED

S/No	FOOD VITAMIN, MINERAL NUTRIENT OR AMINO ACID	
1	Wheat Flour	GAMS 18:2018
2	Salt	GAMS 20:2018
3	Vegetable oil	GAMS 19:2018

Note: unless otherwise stated, the levels and ranges of micronutrients stated in these standards refers to levels that shall be added in the forms prescribed and shall be enforced as such. It does not include intrinsic levels that are natural to the products.

SCHEDULE 4

CONDITIONS FOR CLAIMS

Claim	Conditions on food products
Source of [Vitamin / Mineral]	At least 5% of NRV per 100g/100ml or per serving
Good Source of [Vitamin / Mineral]	At least 15% of NRV per 100g (solids) Or 7.5% of NRV per 100 ml (liquids)
Excellent Source of [Vitamin / Mineral]	At least 30% of NRV per 100g or 100ml solids & liquids) (at least 2 times the values for "good source of")

MADE THIS 2DN DAY OF NOVEMBER 2020

**HON. ISATOU TOURAY
VICE PRESIDENT**