

THE FAIR TRADING ACT

Regulation made by the Minister under Section 8 of the Fair Trading Act

1. These regulations may be cited as the Prepackaged Food Regulations 1989.

2. In these regulations –

“Baby food” means any food or food substitute formulated industrially to satisfy the normal nutritional requirements of babies up to 4 months of age, and adapted to their physiological characteristics;

“Best before date” in relation to food has the same meaning as the term “used by date”;

“Chilled food” means any poultry or poultry products, meat and meat products, fish or fish products which has been maintained at a temperature of between 2°C and 8°C;

“Component” means any substance which forms part of an ingredient;

“Container” means any form of packaging of foods for sale as a single item whether by completely or partially enclosing the food in such a way that the contents cannot be altered without opening or changing the receptacle in which food is prepared or presented for sale;

“Country of origin” means the country in which the food is manufactured or in which the final process of manufacture took place;

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

“Date of minimum durability” means the date of the end of the period under any stated storage conditions during which the product will retain any specific qualities which have been claimed either tacitly or explicitly;

“Fish” includes edible moluses and crustaceans;

“Food” means any substance, whether processed, semi processed or raw, which is intended for human consumption, and includes drinks, bottled drinking water, chewing gum and any substance which has been used in the manufacture, preparation or treatment of food;

“Food additive” means any substance not normally consumed as a food by itself and not normally used as a typical ingredient of the food, irrespective of its nutritive value, the intentional addition of which to food for a technological (including organoleptic) purposes in the manufacture, processing, preparation, treatment, packaging, packing, 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 foods;

“Free sample” means any sample of food distributed free of charge by an importer, manufacturer or supplier for purposes of trade or promotion of the food, either in connection with the sale of the food or otherwise;

“Frozen food” means any poultry or poultry product, fish or fish product which has been maintained at a temperature of between -18° C and -25° C.

“Ingredient” means any substance, including a food additive, used in the manufacture or preparation of a food and present in the final product, even if in altered form;

“Label” includes any tag, brand, mark, pictorial, or other descriptive matter written, printed, stencilled, marked, embossed or impressed on, or attached to a container of food;

“Labelling” includes the label and any written, printed or graphic matter relating to and accompanying the food when presented for sale to the ultimate consumer;

“Liquid medium” means the following products, possibly in mixtures, provided that the liquid is merely an adjust to the essential elements of that preparation and is thus not a decisive factor for the purchase: water, brine, vinegar, aqueous solutions of sugars, and fruit or vegetable juices in the case of canned fruit or vegetables;

“Milk” means fresh milk, sterilised milk, pasteurised milk or milk which has been reconstituted and flavoured, and includes milk powder;

“Milk products” means cheese, butter, yoghurts, ice-creams and fresh cream locally prepared and imported;

“Prepackaged” means packaged or made up in advance in a container ready for retail sale to the ultimate consumer and sealed in such a manner that the contents cannot, in any way, be altered without the package being opened or undergoing perceptible modifications;

“Sell by date” means the last date of offer for retail sale, provided the product has been stored and handled properly, after which there remains a reasonable storage period in the home;

“Use by date” means the date of the end of the estimated period under any stated storage conditions, after which the product probably will not have the quality attributes normally to be expected by consumers generally;

3. No trader shall for the purpose of trade promotion –

- (a) pass off the prepackaged food of one importer, manufacturer or supplier as those of another;

- (b) sell any free sample of food;
 - (c) cause a price tag to be affixed on prepackaged food otherwise than on a blank space.
4. No trader shall sell any prepackaged food or manufacture any food listed in the Schedule that is intended for sale, packed or canned, unless the container of food bears a conspicuous label in conformity with paragraph 3, 4 and 5 of the Standard for the Labelling of Prepackaged Food MS30 declared in General Notice No 1058 of 1983 and published by the Mauritius Standards Bureau and the Food and Drugs Act and regulations made thereunder.
5. No trader shall –
- (a) sell any food whose sell by date, best before date or use by date has expired;
 - (b) alter, erase, obliterate, remove or forge the date marking of use limit of any food.
6. The Consumer Trade Practices Regulations 1981 are repealed.
7. (1) Subject to paragraph (2) these regulations shall come into operation on the day of their publication in the *Gazette*.
- (2) Regulation 4 shall come into operation on 2nd May 1990.

Made by the Minister on 31 October 1989

SCHEDULE
(Regulation 4)

- 1. Butter
- 2. Baby food and infant food
- 3. Breakfast cereals
- 4. Biscuits
- 5. Chilled fish
- 6. Cooked, pre-cooked or ready to cook food or frozen
- 7. Cooking oil
- 8. Dried fruits
- 9. Preserved fruits & vegetables
- 10. Fruit juices
- 11. Flour
- 12. Ghee
- 13. Homogenised composite food preparations of a kind used in infant feeding
- 14. Margarine
- 15. Milk products
- 16. Meat of all description and their offals, including chilled animal blood
- 17. Milk, plain or flavoured

18. Milk, powdered
19. Poultry and offals
20. Packed poultry
21. Prepared food obtained by the swelling or roasting of cereals or cereals products
22. Prepared mustard mayonnaise and sealed cream
23. Rice (Non-Ration)
24. Salad dressing
25. Snacks
26. Sauces
27. Yoghurt, curdled milk, kephir and other fermented or acidified milk
28. Chewing Gum