

CHAPTER 544

FOOD

Act
No. 26 of 1980.

AN ACT TO REGULATE AND CONTROL THE MANUFACTURE, IMPORTATION, SALE AND DISTRIBUTION OF FOOD, TO ESTABLISH A FOOD ADVISORY COMMITTEE, TO REPEAL THE FOOD AND DRUGS ACT OF 1949, AND TO PROVIDE FOR MATTERS CONNECTED THEREWITH OR INCIDENTAL THERETO.

[1st February, 1981.]*

Short title.

1. This Act may be cited as the Food Act.

(3) No person shall import, sell or distribute any food manufactured, prepared, preserved, packaged or stored for sale under insanitary conditions.

PART I

PROHIBITION IN RESPECT OF FOOD

Prohibition on manufacture, importation, sale and distribution of food.

2. (1) No person shall manufacture, import, sell or distribute any food—

- (a) that has upon it any natural or added deleterious substance which renders it injurious to health ;
- (b) that is unfit for human consumption ;
- (c) that consists in whole or in part of any unclean, putrid, repugnant, decayed, decomposed or diseased animal substance or decayed vegetable substance or is insect infested ;
- (d) that is adulterated ;
- (e) that has in or upon it any added substance in contravention of the provisions of this Act or any regulation made thereunder ; or
- (f) in contravention of the provisions of this Act or any regulation made thereunder.

(2) No person shall manufacture, prepare, preserve, package or store for sale any food under insanitary conditions.

3. (1) No person shall label, package, treat, process, sell or advertise any food in a manner that is false, misleading, deceptive or likely to create an erroneous impression, regarding its character, value, quality, composition, merit or safety.

Labelling packaging, advertising, &c.

(2) Any food that is not labelled or packaged as required by the regulations made under this Act or is labelled or packaged contrary to such regulations shall be deemed to be labelled or packaged contrary to subsection (1).

4. Where a standard is prescribed for any food, no person shall label, package, sell or advertise any food which does not conform to that standard in such a manner as is likely to be mistaken for the food for which the standard has been prescribed.

Where standard is prescribed.

5. No person shall offer for sale, expose for sale or sell for use as animal food or for other purposes any food which has been spoilt or rendered unfit for human consumption except with the permission of, and in accordance with the directions issued by the Chief Food Authority or such other person authorized by him in writing in that behalf.

Sale for purposes other than human consumption of food rendered unfit for human consumption.

6. (1) No manufacturer or a distributor of or a commission agent or a dealer in any food shall sell such food to any vendor

Warranty.

* Gazette No. 124 of 16th January, 1981.

unless he also gives that vendor a warranty in the prescribed form in respect of the nature, substance and quality of that food.

(2) A bill, cash memorandum or invoice, in respect of the sale of any food given by a manufacturer or distributor of or a commission agent or a dealer in any such food to the vendor of that food, shall be deemed to be a warranty under the preceding provisions of this section in respect of that food, if such bill, cash memorandum or invoice contains a description of the nature, substance and quality of that food.

(3) No manufacturer or distributor of, or a commission agent or dealer in, any food shall under subsection (1) give a warranty which is false.

Licensing.

7. (1) No person shall manufacture, prepare, preserve, package, store or sell any food in any premises unless such premises has been licensed by the relevant Food Authority who shall be the licensing authority.

(2) No person shall manufacture, prepare, store or sell or distribute any food unless he is the holder of a licence authorizing him to manufacture, prepare, store, sell or distribute any food otherwise than in accordance with the terms and conditions of such licence.

PART II

ADMINISTRATION

Food Advisory Committee.

8. (1) There shall be a Committee which shall be called the Food Advisory Committee consisting of—

- (a) the Director of Health Services who shall be the Chairman of the Committee ;
- (b) the Assistant Director of Health Services in charge of Food Control Administration who shall be the Secretary of the Committee ;
- (c) the Government Analyst or any officer nominated by him ;

- (d) the city Analyst of the Colombo Municipality ;
- (e) the Principal Collector of Customs or any officer nominated by him ;
- (f) the Chief Medical Officer of Health of the Colombo Municipality ;
- (g) (i) a representative of the Ministry charged with the subject of Food nominated by the Minister in charge of that subject, or a representative of any department under that Ministry nominated by that Minister ;
- (ii) a representative of the Ministry charged with the subject of Trade, nominated by the Minister in charge of that subject, or a representative of any department under that Ministry nominated by that Minister ;
- (iii) a representative of the Ministry charged with the subject of Local Government, nominated by the Minister in charge of that subject, or a representative of any department under that Ministry nominated by that Minister ;
- (h) a representative of the Bureau of Ceylon Standards nominated by the Minister in charge of the subject of Industries ;
- (i) a nutritionist from the Medical Research Institute nominated by the Minister ;
- (j) a food technologist nominated by the Minister ;
- (k) two experts in food science nominated by the Minister ;
- (l) two members nominated by the Minister one of whom shall represent commercial interests and the other industrial interests ;
- (m) two members nominated by the Minister to represent the interests of the consumer ; and
- (n) the Chief Food and Drug Inspector.

(2) Every member of the Committee nominated by the Minister under paragraphs (j), (k), (l) and (m) of subsection (1) shall, unless he earlier vacates office by resignation, death or removal, hold office for a period of three years from the date of his nomination and shall be eligible for re-nomination.

(3) Every member of the Committee other than the members referred to in subsection (2) shall cease to be a member of the Committee on his ceasing to hold office which qualified him to be, or to be nominated as, a member of the Committee.

(4) The Committee may discharge its functions notwithstanding any vacancy among its members.

(5) Seven members of the Committee shall form a quorum for any meeting of the Committee.

(6) Subject to the provisions of this Act, the Committee may regulate its own procedure in regard to its meetings and the transaction of business at the meetings.

Duties of the
Food Advisory
Committee.

9. (1) It shall be the duty of the Food Advisory Committee to advise the Minister on matters arising out of the administration of this Act and to carry out other functions assigned to it under this Act.

(2) The Committee may appoint such sub-committees, as it deems fit, to exercise such powers, perform such duties or discharge such functions as may, subject to such conditions, if any, as the Committee may impose, be delegated to them by the Committee, and may appoint to these sub-committees persons who are not members of the Committee.

Food
Authority.

10. (1) Save as otherwise provided in subsection (4), for every administrative area of a local authority there shall be a Food Authority to carry into execution and enforce within the administrative area of the respective local authority the provisions of this Act and the regulations made thereunder.

(2) The Food Authority under subsection (1) for the administrative area of—

(a) a Municipality shall be the Municipal Council constituted for that area ;

(b) any other local authority shall be—

(i) the local authority constituted for that area, where that local authority is appointed by the Minister as the Food Authority for that area on the recommendation of the Minister in charge of the subject of Local Government ;
or

(ii) the Medical Officer of Health for that area where the local authority constituted for that area is not appointed as the Food Authority under subparagraph (i).

(3) Every Superintendent of Health Services shall, within the area for which he is appointed, supervise and co-ordinate the work of the Food Authorities under subsection (1) in that area.

(4) For the administrative area of every local authority—

(a) the Excise Commissioner shall be a Food Authority in relation to food which is excisable within the meaning of the Excise Ordinance ;
and

(b) the Principal Collector of Customs shall be a Food Authority in relation to food the importation of which is prohibited under this Act :

Provided that the Principal Collector may delegate to any officer nominated by the Director of Health Services the powers vested in the Principal Collector as a Food Authority under this Act.

11. (1) The Director of Health Services shall be the Chief Food Authority for the purposes of this Act. Chief Food Authority.

(2) The Chief Food Authority shall supervise, guide and co-ordinate the work of all Food Authorities under section 10.

(3) The Chief Food Authority may give such directions as he may deem necessary to any Food Authority regarding the carrying

into execution, and the enforcement of all or any of the provisions of this Act or regulations made thereunder, and every Food Authority to whom directions are given shall comply with such directions.

(4) The Chief Food Authority may delegate all or any of his powers under this Act to any subordinate officer by name or office with the approval of the Minister.

Default of local authority.

12. Where on a report of the Chief Food Authority that a local authority, as the Food Authority for the administrative area of that local authority, has failed to carry into execution, enforce or comply with any provision of this Act or any regulations made thereunder or any direction given to it by the Chief Food Authority, the Minister, after giving that local authority an opportunity to show cause against it, if satisfied that the local authority has failed and that the failure affects the general interest of the public, may, with the concurrence of the Minister in charge of the subject of Local Government, by Order published in the Gazette, empower the Chief Food Authority to carry into execution or enforce or comply with that provision or direction.

Authorized officer.

13. (1) The Minister may approve any Medical Officer of Health, Food and Drugs Inspector, Food Inspector, Public Health Inspector and, in relation to examination and seizure of meat, any Veterinary Surgeon to be an Authorized Officer of a Food Authority.

(2) Where the Food Authority is the Excise Commissioner or the Principal Collector of Customs, any person authorized in writing by the Excise Commissioner or the Principal Collector, as the case may be, shall be an Authorized Officer of that Food Authority.

(3) Every Authorized Officer shall exercise the powers of a police officer in terms of the Code of Criminal Procedure Act for the purpose of discharging his functions under this Act.

Powers of Authorized Officer.

14. (1) An Authorized Officer may for the performance of his duties and the exercise of his powers—

(a) at any reasonable time enter any place where he believes any article is

manufactured, prepared, preserved, packaged or stored and examine any such article and take samples thereof and also examine anything that he believes is used for the manufacture, preparation, preservation, packaging or storing of that article;

(b) for the purpose of search, stop or detain any vehicle in which he believes that any article is being conveyed, search that vehicle and examine such article and take samples of that article;

(c) open and examine any receptacle or package that he believes to contain any article;

(d) Where the authorized officer is a Medical Officer of Health or a person authorized by the Excise Commissioner or the Principal Collector of Customs under section 13 (2), examine any books, documents or other records found in any place mentioned in paragraph (a) that he believes to contain any information relevant to the carrying into execution or the enforcement of this Act with respect to any article and make copies thereof or take extracts therefrom; and

(e) seize and detain for such time as may be necessary any article by means of or in relation to which he believes any provision of this Act or regulation made thereunder has been contravened.

(2) For the purposes of this section and section 15 "article" means—

(a) any food including the whole or any part of any dead animal, bird or fish intended to be used or capable of being used for human consumption;

(b) anything used or capable of being used for the manufacture, preparation, preservation, packaging or storing of food; and

(c) any labelling or advertising material.

(3) An Authorized Officer acting under this section shall, if so required, produce his authority.

(4) The owner or person in charge of a place entered by an Authorized Officer in pursuance of subsection (1) and every person found therein shall give the Authorized Officer all reasonable assistance in his power and furnish him with such information and such samples as he may require.

(5) No person shall obstruct any Authorized Officer acting in the exercise of his powers under this Act or regulations made thereunder.

(6) If any Authorized Officer applies to obtain samples of any food exposed for sale and the person exposing the food refuses to sell to the Authorized Officer such quantity thereof as he may require or refuses to allow that officer to take the quantity which he is empowered to take as samples, the person so refusing shall be deemed for the purposes of subsection (5) to have obstructed an Authorized Officer.

(7) No person shall knowingly make any false or misleading statements either orally or in writing to any Authorized Officer, engaged in the exercise of his powers under this Act or any regulations made thereunder.

(8) Every vendor of food shall if so required by an Authorized Officer, disclose to the Authorized Officer the name, address and such other particulars as may be required of the person from whom that vendor purchased that food.

(9) No person shall remove, alter, tamper or otherwise interfere in any manner with any food seized under this Act by an Authorized Officer without the authority of that Authorized Officer.

(10) Any food seized under this Act may, at the option of an Authorized Officer, be kept or stored in the building or place where it was seized or may at his discretion be removed to any other place.

(11) An Authorized Officer shall forthwith inform the relevant Food

Authority of any seizure made under this Act.

15. (1) Where an article in respect of which an offence has been committed is seized under this Act by an Authorized Officer, such article may be destroyed or otherwise disposed of as the Authority may direct where the Authority is satisfied that there has been a contravention of any of the provisions of this Act or any regulations made thereunder and where the owner of such article or the person in possession of such article at the time of seizure consents in writing to the destruction of such article.

Procedure in respect of articles seized.

(2) Where the owner or person in possession of such article does not consent in writing to the destruction of such article, the Authority—

(a) shall release such article if he is satisfied that the provisions of this Act or any regulations made thereunder in respect of such article have not been contravened ; or

(b) shall, where he is satisfied that there has been a contravention of any of the provisions of this Act or regulations made thereunder, forthwith, with notice to such owner or person in possession of the article, inform the Magistrate's Court having jurisdiction over the area in which the offence was committed of the seizure of the article in respect of which the offence was committed.

(3) On information furnished to the court under subsection (2) (b) such court shall—

(a) if, after trial, it finds the owner or person in possession of the article guilty of contravening any of the provisions of this Act or regulations made thereunder, order that such article be forfeited to the Authority to be disposed of as the court may direct :

Provided, however, that where the offender is not known or cannot be found such article shall be forfeited to the Authority without the institution of proceedings in respect of such contravention ; or

(b) if, after trial, it finds the owner or person in possession of the article not guilty of contravening any of the provisions of this Act or regulations made thereunder, order that such article be released to such owner or person in possession.

Analysis.

16. (1) An Authorized Officer shall submit any food seized by him or any portion thereof or any sample taken by him, unless destroyed under section 15 (1) to the Approved Analyst for analysis or examination.

(2) Where the Approved Analyst has made the analysis or examination of any food submitted to him under subsection (1) he shall issue a certificate or report to the relevant Food Authority setting out in that certificate or report the results of his examination or analysis.

(3) For the purpose of this section the "Approved Analyst" includes an Additional Approved Analyst.

Approved Analyst.

17. (1) For the purposes of this Act and any regulations made thereunder the Government Analyst shall be the Approved Analyst.

(2) Notwithstanding the provisions of subsection (1) the Minister may approve an Additional Approved Analyst for any administrative area of a local authority. Notification of the approval shall be published in the Gazette.

(3) No person shall be approved as an Additional Approved Analyst—

- (a) if he does not possess the prescribed qualifications; or
- (b) if that person is engaged directly or indirectly in any trade or business connected with the sale of food.

PART III

LEGAL PROCEEDINGS

Offences.

18. (1) Every person who contravenes any of the provisions of this Act or any regulations made thereunder or fails to

comply with any direction given under this Act shall be guilty of an offence and shall be liable on conviction—

(a) where the nature of the offence involves injury to the health of the public, to imprisonment for a term not less than six months and not exceeding three years, and also to a fine not less than one thousand rupees and not exceeding five thousand rupees;

(b) where the offence is the contravention of subsection (5) or subsection (9) of section 14, to imprisonment for a term not less than three months and not exceeding one year and also to a fine not less than five hundred rupees and not exceeding one thousand rupees; and

(c) for any other offence—

(i) for the first offence to a fine not less than two hundred and fifty rupees and not exceeding five hundred rupees or to imprisonment for a term not exceeding six months or to both such fine and imprisonment;

(ii) for a second or subsequent offence to imprisonment for a term not less than three months and not exceeding one year and also to a fine not less than five hundred rupees and not exceeding one thousand rupees.

(2) Where a person convicted for an offence under this Act or any regulations made thereunder is convicted for a second or subsequent offence of a like or similar nature under this Act or any regulations made thereunder, the court convicting him for the second or subsequent offence may—

(a) cause the name and the address of the person convicted and the offence and the punishment imposed for that offence to be published in such newspaper or in such other manner as the court may direct and recover

the cost of publication from the person convicted as if it were a fine imposed on him ;

- (b) cancel the licence (if any) issued to the person convicted for the manufacture, importation, preparation, storage, sale and distribution of food under this Act or any other law and inform the relevant licensing authority accordingly.

Person committing offence liable to be arrested without a warrant and to be tried by a Magistrate's Court.

19. Every person who commits an offence under this Act or any regulation made thereunder may be arrested without a warrant and every offence under this Act or any regulation thereunder shall be triable by a Magistrate's Court.

Institution of proceedings.

20. (1) A prosecution for an offence under this Act or any regulations made thereunder shall not be instituted—

- (a) except by an Authorized Officer ; and
(b) after the expiration of a period of three months from the date of detection of that offence.

(2) Where at any time during the trial of any offence under this Act or any regulations made thereunder, the court is satisfied on the evidence adduced before it, that any person other than the person charged with the offence was knowingly concerned in the commission of the offence, the court may notwithstanding subsection (1) (b), withdraw the charge against the person charged with the offence and proceed against that other person as though a prosecution has been instituted against that person.

Where the accused proves that some other person is guilty of the offence.

21. (1) Where a person (hereinafter referred to as "the accused") is charged with an offence under this Act, he shall, upon complaint duly made by him in accordance with the provisions of section 136 of the Code of Criminal Procedure Act and on giving to the prosecution not less than three days notice of his intention, be entitled to have any other person whom he charges as the actual offender brought before the court, and, if, after the

commission of the offence has been proved, the accused proves to the satisfaction of the court that the commission of the offence was due to the act or default of such other person, such other person may be convicted of the offence, and, if the accused further proves that he has used all due diligence to enforce the provisions of this Act, he shall be acquitted of the offence.

(2) Where an accused seeks to avail himself of the provisions of subsection (1)—

(a) the prosecution, as well as the person whom the accused charges with being the actual offender, shall have the right to cross-examine him, if he gives evidence, and any witness called by him in support of his pleas, and to call evidence in rebuttal ; and

(b) the court may make such order as it thinks fit for the payment of costs by any party to the proceedings to any other party thereto.

(3) Where it appears to the relevant Food Authority that an offence has been committed under this Act in respect of which proceedings might be taken under this Act against some person and such Authority is reasonably satisfied that the offence complained of was due to an act or default of some other person and that the first-mentioned person could establish a defence under subsection (1) of this section, such Authority may cause proceedings to be taken against that other person without first causing proceedings to be taken against the first-mentioned person.

In any such proceedings the accused may be charged with and, on proof that the offence was due to his act or default, be convicted of the offence with which the first-mentioned person might have been charged.

22. (1) In a prosecution for an offence under this Act or any regulations made thereunder it shall be a defence for the accused—

- (a) that he purchased the food from another person, who furnished him with a written warranty under

Defences.

section 6 and that he sold such food in the same condition that it was at the time he purchased it ;

(b) that he could not have with reasonable diligence ascertained that the sale of the food would be in contravention of the Act or any regulations made thereunder ; or

(c) in relation to an offence for the publication of an advertisement, that he received the advertisement for publication in the ordinary course of business and had no reason to believe that an offence would be committed.

(2) In a prosecution for the offence of sale of food which is adulterated or contrary to the provisions of this Act or any regulations made thereunder, it shall not be a defence for the accused that he did not know that such food was adulterated or that the sale was contrary to the provisions of this Act or any regulations made thereunder or that the purchaser purchased such food for analysis and was not prejudiced by the sale.

Report of Approved Analyst or Additional Approved Analyst.

23. (1) In the absence of evidence to the contrary a document purporting to be a report or a certificate signed by the Approved Analyst or an Additional Approved Analyst upon any matter submitted to him for examination or analysis shall be sufficient evidence of the facts stated therein.

(2) Where a party against whom the report or the certificate referred to in subsection (1) is produced requests that the Approved Analyst or an Additional Approved Analyst, as the case may be, summoned as a witness, the court shall summon him on that party paying to the court the expenses of summoning him, and shall examine him as a witness.

(3) The report or the certificate referred to in subsection (1) shall not be received in evidence unless the party intending to produce it has given the party against whom it is intended to be produced a copy of the report or certificate and reasonable notice of his intention to produce it.

24. (1) Where a sample obtained by an Authorized Officer is required to be divided by him into parts, one of which shall be retained by him, the part retained by him shall be produced in court at the time of the institution of the prosecution in relation to that sample.

Authorized Officer to produce before court the part of the sample retained by him.

(2) The Magistrate may of his own motion and shall at the request of any party to the prosecution forward for analysis or examination the part of the sample produced in court under subsection (1) to the Approved Analyst or an Additional Approved Analyst other than an analyst who has analysed or examined any other part of that sample.

(3) The analyst to whom the part of the sample is forwarded under subsection (2) shall send his report or certificate to the court within twenty-eight days of the receipt by him of that part of the sample.

(4) The expenses of analysis or examination shall be paid by such party as the court may direct.

25. A copy made or extract taken from any book, document or other record by an Authorized Officer under section 14 (1) (d) shall, if certified to be a true copy or extract by the Authorized Officer, be admissible in evidence against the person keeping or maintaining that book, document or record or causing that book, document or record to be kept or maintained, and shall be *prima facie* evidence of the contents of that book, document or record.

Copy or extract of document taken by an Authorized Officer.

26. (1) For the purposes of this Act and any regulation made thereunder—

Presumptions.

(a) any food commonly used for human consumption shall, if sold or offered, exposed or kept for sale, be presumed until the contrary is proved, to be intended for sale for human consumption ;

(b) any food commonly used for human consumption which is found on premises used for the manufacture, preservation, packaging, preparation, storage or sale of any food shall be presumed, until the

contrary is proved, to be intended for the preparation of, or admixture with, food meant for sale for human consumption ; and

- (c) any substance capable of being used in the composition or preparation of food which is found on premises used for preparation of food shall be presumed until the contrary is proved, to be intended for use in the composition or preparation of food for human consumption.

(2) Where in a prosecution for the offence of manufacture of food which is adulterated, it is established—

- (a) that the food was adulterated with the addition of any other substance ; and
- (b) that the accused had in his possession or in his premises that other substance,

it shall be presumed until the contrary is proved that the food was adulterated by the accused by the addition of that other substance.

(3) Where a package containing any food has on or upon it the name or address purporting to be the name or address of the person by whom it was manufactured or packaged, it shall be presumed until the contrary is proved that such food was manufactured or packaged, as the case may be, by the person whose name or address appears in or upon the package.

Offences committed by a body of persons.

27. Where an offence under this Act or any regulations made thereunder is committed by a body of persons then—

- (a) if that body of persons is a body corporate, every person who at the time of commission of the offence was a director, general manager, secretary or other similar officer of that body ; or
- (b) if that body is not a body corporate every person who at the time of commission of the offence was a member of that body,

shall be deemed to be guilty of that offence, unless he proves that the offence was committed without his consent or concurrence and he exercised all such diligence to prevent the commission of that offence as he ought to have exercised in the circumstances having regard to the nature of his functions.

PART IV

GENERAL

28. No suit, prosecution or other legal proceeding shall be instituted against any person for any act which in good faith is done or purported to be done by him under this Act or any regulations made thereunder.

Protection for action taken in good faith.

29. All fines paid or recovered in respect of an offence under this Act or any regulations made thereunder in a prosecution instituted by an Authorized Officer or a Food Authority which is a local authority shall be credited to the fund of that local authority.

Certain fines to be paid into the funds of local authorities.

30. Every medical practitioner carrying on his profession within the administrative area of any local authority shall report all cases of food poisoning in that area within his knowledge to the Superintendent of Health Services or to the Medical Officer of Health of that area.

Notification of food poisoning.

31. (1) The provisions of this Act and any regulations made thereunder relating to food which are excisable articles within the meaning of the Excise Ordinance shall be in addition to and not in substitution for the provisions of that Ordinance.

Application of other written law to food.

(2) The provisions of the Customs Ordinance shall apply for the purposes of the enforcement, and prevention and punishment of contraventions or attempted contraventions, of the provisions of this Act and any regulations made thereunder relating to the importation of any food.

(3) For the purposes of the application of the Customs Ordinance to any food the importation of which is prohibited under this Act, such food shall be deemed to be goods the importation of which is prohibited under that Ordinance.

(4) In the event of any conflict or inconsistency between the regulations made under this Act and by-laws made by any local authority under any written law, the regulations made under this Act shall prevail.

Regulations.

32. (1) The Minister may make regulations in respect of matters required by this Act to be prescribed or in respect of which regulations are authorized to be made and in particular the Minister may, after consultation with the Food Advisory Committee, make regulations in respect of all or any of the following matters :—

- (a) declaring that any food or class of food is adulterated if any prescribed substance or class of substance is present or has been added to or extracted or omitted from that food ;
- (b) the labelling, packaging, offering, exposing and advertising for sale of food ;
- (c) the size, dimensions, fill and other specifications of packages of food ;
- (d) sale or conditions of sale of any food ;
- (e) the use of any substance as an ingredient in any food to prevent the consumer or purchaser from being deceived or misled as to its quantity, character, value, composition or safety or to prevent injury to the health of the consumer or purchaser ;
- (f) the standards of composition, purity, quality or other property of food ;
- (g) the importation of food in order to ensure compliance with the Act and any regulations made thereunder ;
- (h) the method of preparation, manufacture, preservation, packaging, storing and testing of any food in the interest of, or for the prevention of injury to, the health of the consumer or purchaser ;

(i) (i) the persons to whom, the circumstances in which, and the terms and conditions subject to which, licences under this Act may be granted or refused ;

(ii) the manner and mode in which applications for licences under this Act may be made and dealt with ; and

(iii) the fee payable for the issue of a licence ;

(j) requiring persons who manufacture or sell any food to furnish such information and maintain such books and records as the Minister considers necessary for the proper enforcement and administration of this Act and the regulations made thereunder ;

(k) the powers and duties of Authorized Officers, the Approved Analyst and Additional Approved Analysts and taking of samples and the seizure, detention or forfeiture and disposal of articles within the meaning of sections 14 and 15 ;

(l) the forms to be used for the purposes of this Act and any regulations made thereunder ;

(m) the analysis or examination of any food, procedure for taking samples of such food and tariff of fees to be paid for the analysis or examination of such food ; and

(n) prohibitions and restrictions relating to the sale and transport for sale of any adulterated food.

(2) Every regulation made by the Minister shall be published in the Gazette and shall come into operation on the date of publication or on such later date as may be specified in the regulation.

(3) Every regulation made by the Minister shall as soon as convenient after its publication in the Gazette be brought before Parliament for approval.

(4) Any regulation which is not so approved shall be deemed to be rescinded as from the date of disapproval but without prejudice to anything previously done thereunder.

(5) The date on which any regulation shall be deemed to be so rescinded shall be published in the Gazette.

Interpretation.

33. In this Act unless the context otherwise requires—

“adulterated” means the addition of a substance as an ingredient in the preparation of food or subtraction of any constituent from such food or subjection of such food to any other process or any other treatment so as to—

(a) render the food injurious to health, or

(b) affect its character, value, composition, merit or safety ;

“advertisement” includes any representation by any means whatsoever for the purpose of promoting directly or indirectly the sale or disposal of any food ;

“food” means any article manufactured, sold or represented for use as food or drink for human beings and includes any article which ordinarily enters into or is used in the composition or preparation of food ;

“Government Analyst” means the person for the time being holding the office of Government Analyst and except for the purposes of section 8 includes any person for the time being holding the office of Additional, Deputy, Senior Assistant, or Assistant Government Analyst ;

“insanitary conditions” means such conditions or circumstances as may contaminate food with dust, dirt or filth or render food injurious to health ;

“label” includes a tag, brand, mark, pictorial or other description, either written, printed, stenciled, marked, embossed or impressed on or attached to a container of food ;

“labelling” includes a label and any written, printed or graphic matter relating to or accompanying any food ;

“local authority” means any Municipal Council, Urban Council, Town Council or Village Council and includes any Authority created and established by or under any law to exercise, perform and discharge powers, duties and functions corresponding to or similar to the powers, duties and functions exercised, performed and discharged by any such Council ;

“manufacture” means preparing any food for sale and includes any process or part of a process for making, altering, finishing, packing, labelling or otherwise treating of food except packaging of food in the ordinary course of retail sale ;

“medical practitioner” has the same meaning as in the Medical Ordinance ;

“package” includes anything in which any food is wholly or partly contained, placed or packed ;

“premises” includes any shop, stall, or place where any food is sold or manufactured or stored for sale ;

“relevant Food Authority” means a Food Authority appointed under section 10 ;

“sell” means to sell for cash or on credit or by way of exchange and whether by wholesale or retail and “sale” shall have a corresponding meaning ; and

“Veterinary Surgeon” means a person registered as a Veterinary Surgeon or a Veterinary Practitioner under the Veterinary Surgeons’ and Practitioners’ Act.

Repeals and savings.

34. (1) The Food and Drugs Act of 1949 is hereby repealed.

(2) Notwithstanding the repeal of the Food and Drugs Act, the regulations made under that Act relating to the prevention of adulteration of food and in force

immediately before the coming into operation of this Act shall, except where and so far as they are not inconsistent with the provisions of this Act, continue in force until altered, amended or rescinded by regulations made under this Act.