

THE FOOD (CONROL) ACT, 1973  
ARRANGEMENT OF SECTIONS

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*In the Name of Allah, the Gracious, the Merciful*

The Food (Control) Act, 1973  
(18/12/1973)

Title

1. This Act may be cited as the, “Food Control Act, 1973”.

Interpretation

2. In this Act, unless the context otherwise requires:-<sup>1</sup>

“Analyst”,	means the qualified person, who supervises the Chemical Laboratories Administration of the Central Laboratory, or whoever may deputize for him in the states;
“Food”,	means any foodstuffs, or beverage, prepared, distributed or presented to be used for human consumption; and includes any other substances or part of such substances enters in the manufacture thereof; and also includes (milk);
“Handling”,	means the preparation, manufacture, wrapping, distribution, offering, sale, delivery or storage of any food, or any part of such food.
“Committee”	means the Consultative Committee of Food Control, established and constituted under the provisions of section 9;
“Additive Substance”	means any substance not being food by itself or a basic ingredient of food, but added for technical purposes in the manufacture or handling of food, and includes radiation, or substances used in the preservation or packaging of food so as to become directly or indirectly part of food;
“Commissioner”,	means Locality Commissioner concerned;
“Control Inspector”,	means the person appointed by the Competent Authority in accordance with the provisions of section 8 (1);
“Specifications”,	mean the food specifications prescribed by the regulations made under the provisions of this Act, for specifying the ingredients, type, nature and substances which are added or can be added thereto;
“Ministry”,	means the Ministry of Health;
“Minister”,	means the Minister of Health;
“Under-Secretary”,	means the Under-Secretary, Ministry of Health.

Handling of adulterated food

prohibited

3. (1) There shall be deemed to be adulterated food, every food, which is intended with knowledge and intention to cheat or in attempt to

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<sup>1</sup> . Act No. 40, 1974.

cheat, where:

- a) another substance has been added thereto, or omitted therefrom or any of its ingredients has been diluted so as to reduce its quality or affect its type or nature, which is specified by the prescribed specifications;
- b) the label affixed thereto is different from its real composition, synthesis, value, origin, age or place of manufacture;
- c) the label affixed thereto is different from the specifications prescribed for its manufacture in any other way.

(2) Every person, who handles, attempts or abets the handling adulterated food or any substance that is likely to be used in the adulteration of food, shall be deemed to have committed an offence; and shall be punished, with imprisonment, for a term, not exceeding one year, or with fine specified by court or with both.<sup>2</sup>

### Handling of bad food prohibited

4. (1) Food shall be deemed to be bad food where :

- a) its composition or natural properties have changed as to taste, smell or appearance, whether the change is total, or partial, in such way as may make it unfit for human consumption;
- b) the date specified for its use, as specified on the label thereof has elapsed;
- c) it contains animal remains or worms; and there shall be excluded therefrom yeast, forms of moulds and otherwise of food, which by nature is capable of breeding some organisms which are not harmful to health.

(2) Whoever knowingly handles or attempts or abets the handling of bad food shall be deemed to have committed an offence; and shall be punished, with imprisonment, for a term not exceeding three months, or with specified by court or with both.<sup>3</sup>

### Handling of noxious food prohibited

5. (1) Food shall be deemed to be noxious where:

- a) it contains a poisonous, or noxious substance which may endanger human life, or injuring health instantly or after repeated ingestion of such food;
- b) the substances used in the packaging, or wrapping thereof contain poisonous substances which may harm human health or cause him to be affected by any disease;
- c) it has been prepared, or distributed by persons suffering from infectious diseases, or infectious wounds, or ulcers, or suspected of being suffering from, or carrying an infectious diseases.

(2) Whoever knowingly handles, attempts or abets the handling of noxious food shall be deemed to have committed an offence; and shall be punished with imprisonment, for a term, not exceeding three years or with a fine specified by court, or with both.<sup>4</sup>

### Canned food

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<sup>2</sup> . Act No. 2, 1993.

<sup>3</sup> . Ibid.

<sup>4</sup> . Ibid.

6. (1) Canned food shall comply with the provisions of this Act and conform to the specifications prescribed by the regulations made thereunder.
- (2) A card, or label shall be affixed to the container of canned food showing its quantity, synthesis, date of its manufacture, the date specified for its use and such other specifications as may be prescribed by the regulations.
- (3) Whoever contravenes the provisions of this section shall be deemed to have committed an offence; and shall be punished, with imprisonment, for a term, not exceeding one month, or with a fine specified by court, or with both.<sup>5</sup>

### Exported food

7. (1) Exported food and any substances prepared for export which enter in the manufacture of food shall comply with the provisions of this Act and conform to the specifications prescribed by the regulations made thereunder.
- (2) Whoever contravenes the provisions of this section shall be deemed to have committed an offence; and shall be punished, with imprisonment, for a term, not exceeding six months, or with a fine specified by court, or with both.<sup>6</sup>

### Control and inspection

8. (1) Inspection officers subordinate to Localities shall have the power to detect any contravention of provisions of section 3(2),4(2),5(2),6(3) or 7(2).<sup>7</sup>
- (2) The competent Locality may appoint Control Inspectors, to be selected thereby, according to the qualifications prescribed in the regulations, and charge them with carrying out periodical inspection in the various provinces, for the purpose of ascertainment of implementation of the provisions of this Act. It may charge them with any other functions, as it may deem necessary.<sup>8</sup>
- (3) The Control Inspector shall submit to the competent Locality a full report on the result of his inspection, and he may include therein any proposals or recommendations, as he may deem appropriate.<sup>9</sup>

### The Food Control Consultative

#### Committee

9. (1) There shall be established for the purposes of this Act, at the Ministry, a committee to be known as the, "Food Control Consultative Committee", constituted as follows:-<sup>10</sup>
- a) the Under-Secretary, or whoever deputize therefor, Chairperson;
  - b) the Analyst, Rapproteur;
  - c) the Deputy Under-Secretary of Preventive Medicine, at the Ministry (member);
  - d) two representatives of the Ministry of Agriculture, and Forests (member);
  - e) a representative of the Ministry of Animal and Fisheries Wealth, members;
  - f) a representative of the Ministry of Federal Governance (member);
  - g) a representative of the Ministry of Industry (member);

<sup>5</sup> . Act No. 2, 1993.

<sup>6</sup> . Ibid.

<sup>7</sup> . Act No. 40, 1974.

<sup>8</sup> . Ibid.

<sup>9</sup> . Ibid.

<sup>10</sup> . Ibid.

- h) a representative of the Ministry of Justice (member);
  - i) a representative of the Minister of Finance and National Economy, (member);
  - j) a representative of the Chamber of Commerce (member);
  - k) three persons, to be appointed by the Minister, from those possessed of experience and qualifications, (members).
- (2) The Committee may constitute specialized committees from amongst its members, and may, for performing some specific business, seek the assistance of those possessed of experience other than from its members.

### Functions of the Committee

10. The Committee shall be competent to:-<sup>11</sup>
- a) tender opinion and consultancy to the Minister whenever he requires the same therefrom;
  - b) study the best means for food control, prevention of manipulation therein and prepare scientific researches, and benefit by experts' opinions in that respect;
  - c) express opinion about specifying food specifications;
  - d) express opinion about specifying hygienic specifications of food handling places;
  - e) study possibility of establishing analysis and testing laboratories in the provinces;
  - f) specify the substances fit for the wrapping and canning of foods;
  - g) specify the percentage of the substance, or substances that may be added to any food for the purpose of improving its colour, flavour, or form and specify the foods to which such substances may be added;
  - h) specify the procedure which has to be followed in a laboratory, upon taking samples and the manner of their examination;
  - i) specify the qualifications of Control Inspectors and the qualifications of Inspection Officers;
  - j) lay down the bases of food analysis for the public and private sectors in consideration of payment of fees prescribed in the regulations;
  - k) express opinion about the conditions which have to be satisfied by those working in the field of handling food;
  - l) any other functions, as the Committee may deem fit to propose to the Minister for the purpose of implementing the provisions of this Act, or the Minister may deem fit to refer thereto to determine the same.

### Meetings of the Committee

11. (1) The Committee shall specify periodical dates for its meetings. The Chairman of the Committee may call for an emergent meeting whenever the matter requires that.
- (2) The quorum required for the holding the Committee meetings shall be constituted by half the members. upon equality of votes in matters submitted for voting, the Chairman shall have a casting vote .

### Decisions of the Committee with respect to food

<sup>11</sup> . Act No. 40, 1974.

12. The decisions of the Committee with respect to the results of food analysis shall be final.

Forfeiture of food or use thereof  
for other purposes

13. (1) The Court may, besides the penalties provided for in sections 3(2); 4(2), 5(2), 6(3) and 7(2), order confiscation of food which is subject of the contravention, and may order the destruction of the same.  
(2) The Court may, on a recommendation submitted by the Committee, order use of the food, with respect to which an order for destruction other than human consumption.

Regulations

14. (1) The competent Locality may make such regulations, as may be necessary for implementation of the provisions of this Act and achieving the objects thereof.<sup>12</sup>  
(2) Without prejudice to the generality of the provisions of sub-section (1) such regulations may provide for the following:<sup>13</sup>
- a) the fees which are to be paid upon analysis;
  - b) the hygienic specifications and conditions which have to be satisfied by food, the places of their handling and the persons employed in the field of handling them;
  - c) the qualifications and standards which have to be satisfied by the Inspection Officers subordinate to the competent Localities and the Control Inspectors;
  - d) the standards and specifications which have to be satisfied by the analysis and testing laboratories in the provinces

Delegation of powers

15. The competent locality may delegate all, or some of its powers set out in this Act to the Commissioner of any Locality.<sup>14</sup>

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<sup>12</sup> . Act No. 52, 1977 ; Act No. 76, 1981 ; Act No. 26, 1983.

<sup>13</sup> . Act No. 40, 1974.

<sup>14</sup> . Act No. 52, 1977 ; Act No. 76, 1981 ; Act No. 26, 1983; Act No. 40, 1974.