

Unofficial Translation

Republican Decree by Law No (38) of 1992 on Control of Food and its Circulation

Chapter One

Definitions:

Article (1) this law shall be called (Law of Control of Food and its Circulation) and aims to protect the consumer from the health hazards resulting from using unfit foods.

Article (2) the following terms and phrases shall have their corresponding meanings unless context suggests otherwise.

Competent Authority: General Directorate of Environmental Health,

Ministry: Minister of Housing and Urban Development

Sector: Municipality, environment at the Ministry of Housing and Urban Planning

Publicity: any means through which any food is promoted and disposed of whether directly or indirectly.

Competent Employee: observers, food inspectors and health officers and Veterinary doctors.

Competent Department: The General Department for Environmental Health at the Ministry of Housing and Urban Development and its branch offices in the administrative units.

Committee: Technical Advisory Committee or its subsidiaries designated under the provisions of this law.

Accredited laboratory: it is the official or approved body by Ministry of Housing and Urban Planning entrusted to conduct examinations and tests

and laboratory findings pursuant to the provisions of this law and its implementing regulations.

Packaging: anything in which food is placed or packaged, whether in whole or in part, or any container or whether Receptacle covered or enclosed.

Store (place): any place fixed or not fixed with attachments and used for the purpose of trading or sale of any food.

Food standards: some or all of the -descriptions that denote function or levels of food quality or in respect of composition, color or shape or taste or smell, or feature the distinctive features or the minimum or maximum levels of additives or color illustrations or packing label.

Food: a substance produced or manufactured as a food or drink for human consumption, including chewing materials.

item: Any substance used in food processing or food preservation.

Unsanitary conditions: the conditions in which dietary exposure to pollution that makes it harmful to health.

Second chapter

Administration and implementation

Responsibilities of the technical consultative committee
the inspection and analysis organ.

Article (3) for the purpose of implementing the provisions of this law, a technical advisory committee is formed in the Ministry chaired by the competent Deputy Minister and representatives of authorities and ministries. A decree by the Minister shall be issued defining its members based on a nomination from the concerned ministries.

Article (4): the Technical Committee may form a sub committee or committees from its members to perform any action whenever it is deemed necessary and therefore it has the right to use whoever it deems

suitable to provide advice, provided that he does not have the right to vote when attending meetings.

Article 5: the Technical Advisory Committee is entrusted with the following:

- 1- Provide advice to the Minister on issues which may arise during the implementation of this law and its complementary regulations.
- 2- Monitoring the implementation of this Law and its implementing Regulation provided that it does not contradict laws in effect.
- 3- Coordination of control and supervision work over food with other competent bodies.
- 4- Perform any other duties assigned to it by the Minister in implementing this law.

Article (6): The committee shall meet at least once every two months, and the Minister or the Chairman of the Committee may call for it to convene if necessary. The convening of the Committee will only be correct if more than half of its members attend and it takes its decisions by absolute majority, if the votes are tied; the casting vote shall be that of the Chairman.

Article (7): the environmental health organs in the Ministry and administrative units shall assume the tasks and duties of monitoring and supervision in accordance with the provisions of this Law and its Implementing Regulation.

Article (8): The personnel of the control and supervision organ shall be considered Law Enforcement Officers and the Minister shall, subject to an approval by the Minister of Justice, issue a decree defining them.

Article (9). As a means to implementing the provisions of this law, competent employee shall exercise the following authority:

- a) Enter places and general stores which are suspected of containing any item or food that is prepared or preserved or stored or packaged and he may test the item and take a sample of it pursuant to the provisions of this law and laws in effect.

- b) Stop, inspect or seize any means of transport suspected of transporting any food or items covered by this law and may take samples to conduct tests and analyze them in the official laboratory subject to Paragraph (c) of Article (11).
- c) Open and inspect any suspected package or package suspected of containing any item or food that is pertinent to implementing the provisions of this law and may take photographs of them or write a summary reporting the facts in violation of the Law.
- d) Inspect the record books, receipts related to the item or food pertaining to the implementation of this law and may take copies of them or may summarize the facts in violation of the law.
- e) Any item or food suspected of violating this law may be seized and remain in seizure until tests and laboratory analysis determine the degree of its fitness for human consumption subject to Paragraph (c) of Article (11).

Article (10). In case of seizure of any suspected item or food, the following steps should be followed:

- a) Destroy or dispose of the items or food violating the provisions of this law in accordance with the instructions of the Competent Employee and subject to the approval of the owner.
- b) In the case that the owner or the person in charge of the work refuse to respond to the directives of the Competent Employee which rules that the item or food in violation of the provisions of this law should be destroyed or disposed of, the Competent Employee shall then, write a summary of the facts in violation of this law and work towards referring the item or food to the official laboratory to define the if it is suitable for human consumption or not.

Article (11): a) any item or food or sample taken for the purpose of testing, analysis or determination of the result should be sent to the official laboratory within a period not exceeding (24) hours. In all cases, it shall be transported by methods specified in the Implementing regulation of this Law.

- b) The (Competent Authority) shall lift the seizure and permit the circulation of the item or food, if it is proven by writing, based on the

result of laboratory testing, its fitness for human consumption and that it is not in violation of this law.

- c) In case of seizure and storage of any item or food, the same is carried out in the same place or site in which it was seized in cases where storage conditions are available; otherwise, it shall be transported to another place or site where required storage conditions are available.
- d) Any one who removes changes or alters the place or site or food subject to seizure or intervenes, in the same, in any way without reference to, or permission from the competent authority shall be liable to punishment under this law.

Article (12)

- a- If it is evident from the result of the laboratory tests that the item or food is not fit for human consumption, the Competent Authority shall take the necessary procedures to work towards destroying it, or disposing of it in the presence of a representative of the Attorney General and shall refer the violator to the Office of the attorney General.
- b- If it is evident from the result of the laboratory test that the item or food is counterfeit, the Competent Authority should prevent its circulation and refer the violation to the Office of the Attorney General, provided that disposal of the item or food is carried out in manner determined by the competent court.

Article (13) the competent Employee or the appointee to the official Laboratory shall have no interest or relation in the circulation of the item or food being seized that requires testing and analysis.

Article (14) the administration of the official laboratory or the specialist in conducting tests and analysis of the taken sample sent to them should write the necessary certificate or in the speed practically possible, and the result shall be presented in accordance with the forms approved for this purpose and duly presented to the body or authority in the formal methods specified by the Regulation.

15- The results of the tests conducted by the officially Accredited Laboratory are considered the ones that are relied on, in case of opposition, the test is redone and the result becomes final... subject to the provisions of Paragraph (b) of Article (9) and no violation to the same.

Chapter Three

General and concluding provisions

Article (16) every person practicing trade or manufacturing food stuff or one of its items should provide the Competent Authority with information that it required in accordance with the provisions of this Law and laws in effect. This authority may not disclose any information it obtained, nor announce it.

Article (17) : a- every package containing an item or food covered by the provisions of this law and carries the name of the producer, packer or his address or his trademark is considered an assumption (indication) that this item or food has been produced or packed by him unless proved otherwise.

b- Every item or food available in the place of circulation that is usually used for human consumption or in the formation or preparation of food is considered to be put up for sale for human consumption unless proved otherwise.

Article (18): every producer, distributor and whole seller of any item or food is prohibited from selling that item or food to any retailer unless he provides him with a written security (guarantee) on the nature of the items, and their fitness for human consumption.

Article (19): importation of the item or food is prohibited if it does not comply with this law or any law in effect in the Republic.

Article (20): the following is considered in violation to this law and its
Implementing Regulation

- a- Everyone who prepares, arranges or displays with the intent of selling, have sold, gave or bartered food containing in it or on it any toxic or harmful material or a food made up wholly, or partially from any damaged or strange or otherwise that makes it unfit for human

consumption or adulterated food or food whose marketing validity date has expired.

- b- Everyone who displays in the label or package, or processed or publicized any food in a fake or misleading or deceptive manner with respect to the food, its nature or nutritional value or its material or its quality or its composition.

Article (21): in case that violation is proven by any individual who has committed one of the violations referred to in this law, the Minister may or his representative may cancel or withdraw the Professional Practice License of this person or close his store for a period not exceeding one week and refer the violation to the Attorney General.

Article (22): without prejudice to more severe penalties by other laws in effect, anyone who violates the provisions of this law with a fine of no less than (Yr1000) only and not more than half the value of the violating goods or food or item whichever is greater, or suspension of the permit for a period of not more than six months. In case of repetition, the punishment provided above shall be doubled.

Article (23): The Yemeni food standards for any food are mandatory in accordance to the provisions of this Law, when not available, the Ministry may apply Arab or International standards that are issued by Arab or international specialist organization and accredited by the Yemeni Standardization and Meteorology Authority (YSMO), if no Yemeni, Arab or international standard exists, the Competent Authority may specify the requirements that food should meet in cooperation with the Standardization and Metrology Authority or any other authority with competence.

Article (24): The implementing Regulation of this law is issued by a Republican Decree based on a presentation from the Minister and the approval of the Council of Ministers.

Article (25): Any provisions or texts that contravene the provisions of this law shall be nullified.

Article (26): This law comes into effect from the date of its issuance and shall be published in the Official Gazette.

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