

Food Fortification Regulations, 2016
(Gazetted on 24 October, 2016)

ARRANGEMENT OF SECTIONS

PART I
PRELIMINARY

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IT is hereby notified that the Minister of Health and Child Care has, in terms of section 27 of the Food and Food Standards Act [*Chapter 15:04*], made the following regulations:—

Title

1. These regulations may be cited as the Food and Food Standards (Food Fortification) Regulations, 2016.

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Interpretation

2. In these regulations:—

"**Act**" means the Food and Food Standards Act [*Chapter 15:04*];

"**authorized officer**" means an officer appointed by the Ministry or otherwise authorised to carry out duties under the provisions of this Act;

"**edible oil**" means vegetable oils natural and commercially produced for human consumption;

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

"**food grade salt**" means salt for direct human and animal consumption as distinguished from industrial salt;

"**food fortification**" means the addition of one or more essential nutrients to a food whether or not it is normally contained in the food, for the purpose of preventing and correcting a demonstrated deficiency of one or more nutrients in the population or specific population groups;

"**fortified wheat flour**" means wheat flour to which essential nutrients have been added in accordance with these regulations;

"**food**" means any substance, whether processed, semi-processed or raw, which is intended for human consumption, and includes drink, chewing gum and any substance which has been used in the manufacture, preparation or treatment of "food" but does not include cosmetics or tobacco or substances used only as drugs;

"**food inspector**" means an officer Gazetted and authorised by the Minister of Health and Child Care (National, Provincial, or Local Authority) to carry out food, food premises and food vessels inspection activities;

"**food vehicle**" means the foodstuff identified to be fortified with the prescribed essential nutrient(s) as described in these regulations;

"**fortificant or food fortificants**" means the essential nutrient(s) or nutrient compound to be added to the food vehicle;

"**fortification logo**" means the symbol authorised by the Ministry for use on the packaging or label of certain foods to signify approval by the government;

"**fortified food**" means food to which one or more essential nutrients have been added;

"**fortified maize meal**" means super refined maize, roller meal, straight run maize meal or any other name used to describe maize that has been milled and meets

the criteria as in the fortified maize meal specification standard and to which essential nutrients have been added in accordance with this regulation;

"**FSAB**" means the Food Standards Advisory Board;

"**industrial salt**" means salt used in the treatment, processing, and/or manufacture of non-food commercial produce;

"**ingredient**" means any component or substance, including an additive or fortifying agent, used in the manufacture of a food and present in its final product;

"**ISO**" means International Standard Organisation;

"**label**" means a tag, brand, mark, pictorial, or other description matter, written, printed, stencilled, marked, embossed, or impressed on or attached to a container of any food product;

"**manufacturer**" means a person engaged in production, preparation, processing, fortification, compounding, formulating, filling, refining, transformation, packing, packaging and labelling of food;

"**micronutrient**" means a natural or synthesised 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;

"**milled maize products**" means super refined maize meal, roller meal, straight run maize meal or any other name used to describe maize that has been milled and meets the criteria as in the Fortified Maize Meal specification standard;

"**Minister**" means the Minister of Health and Child Care;

"**Ministry**" means the Ministry of Health and Child Care;

"**package**" means any box, packet or any other article in which one or more primary containers of products are to be enclosed in one or more other boxes, packets or articles in question, the collective number thereof;

"**person**" means an individual, licensee, business, corporate, firm, partnership, proprietorship, organisation, agency, association, facility or any other entity;

"**premix**" means a blend of food fortificants and specific food carrier in determination amounts;

"**regulatory requirements**" means the provisions of all applicable laws, regulations, decrees, and other government enactments relating to food quality and safety, nutrition, hygiene, and any other aspect of food regulation or control;

"**salt iodization**" means the addition of iodine to salt import, offer, advertise, keep, expose, display, transmit, consign, convey or deliver for sale, authorise, or direct or allow a sale or prepare or possess for purposes of sale, and barter or

exchange supply or dispose of, to any person whether for a consideration or otherwise;

"**sell**" means sell by wholesale or retail and include import, offer, advertise, keep, expose, display, transmit, consign, convey or deliver for sale, authorise, or direct or allow a sale or prepare or possess for purposes of sale, and barter or exchange supply or dispose of, to any person whether for a consideration or otherwise;

"**sugar**" means sugar made from sugar cane or sugar beet commercially produced for direct human consumption;

"**wheat flour**" means wheat flour commercially produced for human consumption;

Inspection and certification procedure

3. The inspection and fortification procedure shall be as prescribed in the provisions of the Food and Food Standards (**Inspection and Certification**) Regulations, 2015.SI 5/2015.

Food products to be fortified

4. (1) Edible vegetable oil, wheat flour, maize meal sugar, and salt commercially produced or imported shall be fortified with micronutrients as prescribed in the relevant Zimbabwe food fortification standards as follows:—

(a) Edible vegetable oil: Food and Food Standards (Fortified cooking oil) --- Specifications;

(b) Maize meal: Food and Food Standard (Fortified milled maize products) - Specifications;

(c) Salt Food and Food Standard (Condiments Regulations) - Specifications;

(d) Sugar- Food and Food Standard (Fortified sugar) Specifications;

(e) Wheat flour: Food and Food Standards (Fortified wheat flour) -- Specifications.

(2) The manufacturer of fortified foods shall use food fortificants or premixes which have been approved by the Secretary of Health and Child Care.

(3) The importer of fortified foods shall ensure that imported edible oil, maize meal, sugar, salt or wheat flour, has been fortified with food fortificants or premixes which have been approved by the Secretary of Health and Child Care.

General requirements of the fortified foods

5. Food fortification shall be done in accordance with the provisions given below which are available at the National Nutrition Department, Ministry of Health and Child Care:—

- (a) Edible vegetable oil; Food and Food Standards (Fortified cooking oil)-Specifications;
- (b) Maize meal: Food and Food Standard (Fortified milled maize products) - Specifications;
- (c) Salt Food and Food Standard (Condiments Regulations);
- (d) Sugar: Food and Food Standard (Fortified sugar)-Specifications;
- (e) Wheat Flour. Food and Food Standards (Fortified wheat flour) – Specifications.

Food fortificants and premixes

6. The manufacturer of fortified foods shall use food fortificants or premixes which have been approved by the Secretary of Health and Child Care.

Prohibition

7. No person shall manufacture, import, pack, store, or sell any wheat flour, milled maize products, sugar, salt or edible oil unless such flour, sugar or edible oil is fortified unless otherwise exempted by the Secretary of Health and Child Care.

Exemption

8. (1) The FSAB may, upon receiving an application from a manufacturer or importer and after being satisfied by the reasons for application, recommend exemption of any food regulated under these regulations from being fortified.

(2) Foods shall be exempt from the provisions of these regulations and the Act under the following circumstances and conditions:—

(a) where, pursuant to the provisions of these regulations any particular food is required to be fortified, a licensee may be granted authorization upon application to the Ministry to import, manufacture, distribute, sell, or export, as is applicable, food that is not fortified. Any authorization for exemption shall follow the food and shall constitute an exemption for all other persons handling the food;

(b) non-fortified foods and foods exempt from meeting particular requirements under this subsection shall be clearly labelled as non-fortified or not meeting specified requirements and shall be stored and transported separately from other foods of the same class and category that are fortified;

(c) in the case of non-fortified foods or other foods exempt from meeting particular requirements under the provisions of paragraph (a), such foods, if held for retail sale, shall not be displayed in open view or accessible to the consumer without the assistance of a sales clerk or pharmacist.

Quality control and assurance

9. The manufacturer shall develop, maintain and routinely follow procedure for quality assurance throughout the manufacturing process to ensure that the final product complies with the applicable Zimbabwe food fortification standards.

Packaging

10. Food may be packaged only in suitable materials that:—

- (a) protect the food and preserves its composition, quality, purity, hygiene, and safety;
- (b) protect it from harmful or contaminating substances, agents, or effects; and
- (c) protect its nutritive properties from excessive heat, moisture, and other conditions that may cause diminution.

Labelling

11. (1) All packaged food shall be labelled in a manner that is true and accurate as to identify, character, nature, composition, quality, strongly, safety, purity, nutritive value, and other properties, and in accordance with standards for the particular food,

(2) The labelling conditions specified under the Food and Food Standards (Food Labelling) Regulations, 2002, published in SI 265/2002, or in the fortification standards shall bear the word "FORTIFIED" immediately or after the name of the food fixed conspicuously.

(3) Nutritional information shall be clearly defined to indicate the amount of each added micronutrient per 100 g for solids or per 100 ml for liquids.

(4) All information printed on labels shall be verifiable.

(5) The label on any packaged substances, mixtures of substances, or ingredients which, if intended for human consumption, would meet the definition of food but which instead are intended for non-consumption uses shall carry a conspicuous warning that they are not intended or authorised for human consumption.

(6) Minimum information appearing on the labels of packaged food shall include at least the following:—

- (a) name of the food;
- (b) licence number, name, and physical address of importer, manufacturer, distributor, seller, and exporter, as is applicable;
- (c) lot or batch number;
- (d) weight;

- (e) proportions of the principal ingredients of the product;
- (f) presence of fortifying agents, including the named and level of each agent;
- (g) presence of additives, including the name and function of each additive;

Use of food fortification logo

12. (1) No person shall unlawfully use the food fortification logo as set in the Food Fortification Logo Guidelines.

(2) Use of such a logo is allowed only upon written authorisation of the Minister for foods fortified in compliance with regulatory requirements.

(3) Where a particular food otherwise is required by regulatory requirements to be fortified or meet particular standards but is allowed an exemption from those requirements, its label shall contain a conspicuous warning that it is not fortified or does not meet all government standards as authorised by special exemption and is available only by prescription or other controlled means.

Transport, storage, and display of fortified foods

13. (1) Fortified foods shall be given priority in transport, storage, and display for distribution or sale over non-fortified foods.

(2) Subject to subsection (3), foods exempted from fortification or otherwise meeting any particular standard contained in regulatory requirements shall be stored separately from foods of the same class or category that meet all regulatory requirements.

(3) Separate storage and transport may be accomplished by demarcating in separate areas of discreet physical space without the necessity of storing or transporting in separate buildings, rooms or vehicles. Exempted foods shall be displayed at retail in a manner that requires the assistance of a pharmacist or sales clerk to obtain access to it.

Inspections and investigations

14. (1) These will be done in accordance with provisions of the Public Health Act [*Chapter 15:09*] and the Food and Food Standards Act [*Chapter 15:04*].

(2) The Government Analyst Laboratory shall analyse samples submitted to it.

(3) The laboratory official breaking the seal on the container of the sample shall:—

(a) sign his or her name and the date next to the seal or on a certification affixed to the container;

(b) following analysis, the sample shall be placed in its original container if possible and resealed or in a new container and sealed with a new seal;

(c) ensure the date, time, and results of the analysis shall be recorded on the container or on a certificate affixed to the container, along with the signature of the analyst attending to the analysis results;

(d) ensure the sample and results are to be returned to the authorised officer who took the sample **within 14 days** of its analysis. The authorised officer shall notify the owner **within 14 days** of his or her receipt of the sample results if the sample is found not to comply with regulatory requirements by sending a copy of the analysis report to the owner. The authorized officer shall place the samples in a secured space if intended to be used as evidence in any legal proceeding.

(4) Analysing laboratories shall specify procedures for operation of the laboratory, qualifications of personnel, procedures and methods for sample analysis when submitting results.

Penalties

15. Any person who:—

(a) contravenes sections 4,5,6,7,9,10,11,12,13,14; or

(b) provides false information required under these regulations:—

shall be guilty of an offence and liable to a fine not exceeding level 5 or to imprisonment for a period not exceeding six months or to both fine and imprisonment.