

## Food Act

SFS 1971:511<sup>1</sup>

(Livsmedelslagen SFS 1971:511)<sup>1</sup>

made on 18 June 1971.

### Note

This translation is provided for information and guidance only and is not itself a legal document.

While every care has been taken to translate the original Swedish text as accurately as possible, it must be emphasized that differences in conditions, legislation and terminology in various countries may create difficulties in the correct interpretation of information of this kind.

Consequently, the Swedish National Food Administration cannot accept responsibility for any loss or damage arising from the misinterpretation of this English translation.

In cases where the exact meaning of a term is not clear, the Legal Division of the National Food Administration should be consulted.

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Explanation of abbreviation used:

SFS = *Svensk författningssamling* = The Swedish Code of Statutes

## Introductory provisions

§ 1 In this Act

1. *food* means any foodstuff, beverage, stimulant or other product that is intended for human consumption, with the exception of products to which the Act on Medicinal Products (SFS 1992:859) is applicable,

2. *food additive* means any enrichment substance that is intended to be added to food to improve its nutritive value and also any product or substance that is intended to be added to food in order to affect its durability (shelf-life), consistency, colour, taste or odour or to give the food any other specific property, if the enrichment substance, product or substance is not itself a food raw material,

3. *foreign substance* means any substance other than a food additive which, if it is present in food, can constitute a risk to health or alter the normal composition of the food or its quality in other respects.

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<sup>1</sup>This translation includes all amendments made up to 1 July 2000.

**§ 2** In this Act the term "handling" of food means slaughter, production, preparation, treatment, storage, packing, repacking, transport or display of food and also offering for sale, selling, serving or other delivery of food for consumption.

The provisions in this Act concerning offering for sale apply in relevant parts also to selling, serving or other delivery of food for consumption.

**§ 3** This Act does not apply to the handling of food in private households. However, the Government or the authority appointed by the Government may prescribe that this Act shall apply wholly or in part to the handling of food in private households in the case of

1. water intended for drinking or for use in food handling,
2. meat from farmed red or fallow deer.

In addition, this Act does not apply to the handling of food in kitchens in kindergartens or recreation centres for schoolchildren having not more than two departments, unless the Government or the authority appointed by the Government prescribes otherwise.

**§ 4** The Government or the authority appointed by the Government may issue regulations on exemption from the application of this Act to certain types of food or food additive.

The Government or the authority appointed by the Government may issue regulations on exemption from the application of this Act to the Armed Forces and concerning ships and aircraft.

## **European Community (EC) Regulations on food**

**§ 4 a** The provisions in §§ 24-28, 29 a, 30 and 35 complement the EC Regulations which wholly or in part lie within the area of application of this Act. In the Swedish Code of Statutes, the Government shall clarify which EC Regulations are referred to. The Government or the authority appointed by the Government may issue the additional regulations needed as a complement to these EC Regulations.

For Regulations related to organic production and the protection of designations for foodstuffs, there are special provisions in the Act on the EC Regulation on Organically-produced Products (SFS 1995:551) and the Act on Protection of Designations for Agricultural Products and Foodstuffs, etc. (SFS 1995:1336).

## **Food composition**

**§ 5** Food that is offered for sale may not be of such a composition or quality in other respects that it can be assumed to be harmful to consume, a

carrier of infection or otherwise unfit for human consumption.

**§ 6** Only additives that have been approved for the food in question may be used as food additives, unless the Government or the authority appointed by the Government prescribes otherwise. The question of approval is considered by the authority appointed by the Government. Approval can be made conditional.

**§ 7** If it is especially important from the health or nutritional points of view or otherwise to satisfy the interests of the consumers, the Government or the authority appointed by the Government can prescribe a specified composition or quality in other respects (food standard) for a certain kind of food.

### **Handling, etc.**

**§ 8** When food is handled, precautions shall be taken to eliminate the risk of it being contaminated or rendered unfit for human consumption.

**§ 9** In order to prevent deleterious effects on food, the Government or the authority appointed by the Government can issue regulations concerning the use of products, substances or equipment in the handling of food and concerning the storage of products, substances or equipment together with food.

**§ 10** If necessary from the health point of view, the Government or the authority appointed by the Government can prohibit or prescribe conditions for the handling of food which contains a foreign substance or in which the level of such a substance exceeds a certain limit.

**§ 11** If necessary from the health or nutritional points of view or otherwise to satisfy the interests of the consumers, the Government or the authority appointed by the Government can prohibit or prescribe conditions for the handling or importation into Sweden of certain kinds of food.

**§ 11 a** If food that is stored in a bonded warehouse or Customs store or in a free port can cause serious personal injuries, the Government or the authority appointed by the Government may prohibit its re-exportation.

**§ 12** Regulations concerning the handling of food outdoors or otherwise in places other than food premises are issued by the Government or the authority appointed by the Government.

## Labelling

**§ 13** The Government or the authority appointed by the Government can issue regulations on food labelling.

**§ 14** *Deleted by Act SFS 1992:1680.*

**§ 15** In order to satisfy the interests of the consumers, the Government or the authority appointed by the Government may prescribe that the use of a special designation shall be restricted to food of a certain kind.

## Offering for sale

**§ 16** Food may not be offered for sale if it

1. can be assumed to be unfit for human consumption,
2. contains a food additive that has been added in contravention of § 6,
3. is declared to comply with a food standard that has been prescribed according to § 7 but does not comply with the standard,
4. is not labelled according to the regulations issued according to § 13,
5. has been labelled with information about durable life and that time has expired.

Offering for sale is also prohibited if such prohibition follows from the provisions of §§ 10 and 11.

**§ 17** A product may not be offered for sale as a food additive if the product has not been approved according to § 6.

**§ 18** *Deleted by Act SFS 1992:1680.*

**§ 19** If a special designation has been reserved for a certain kind of food according to § 15, food having a different composition or quality in other respects may not be offered for sale with that designation or another designation that is so similar that it can easily be confused with the special designation.

The first paragraph is correspondingly applicable to designations that are generally accepted.

**§ 20** The Government or the authority appointed by the Government may issue regulations on the offering for sale of foods for special dietary uses and on natural mineral water.

## **Personnel hygiene**

§ 21 Persons who have, or can be assumed to have, a disease or infection, wound or other injury that can render food that they handle unfit for human consumption, may not be engaged in food handling.

The Government or the authority appointed by the Government may issue regulations on medical examinations or other health checks on personnel engaged in food handling and on other matters concerning personnel hygiene associated with such handling.

## **Food premises, etc.**

§ 22 The term "food premises" means premises or other spaces in a building or means of transportation that are mainly intended to be used permanently for food handling. Food premises also include auxiliary spaces that are used in connection with such handling or otherwise can be of hygienic importance for it.

The Government can prescribe that a certain kind of premises or space shall not be regarded as food premises according to the first paragraph.

Regulations concerning food premises are issued by the Government or the authority appointed by the Government.

§ 23 Food may not be handled commercially on premises other than food premises, unless permission has been granted by the authority appointed by the Government.

## **Supervision**

§ 24 The National Food Administration carries out the central supervision of the compliance with this Act, the regulations issued according to this Act and the EC Regulations which this Act complements. The county administrative board carries out supervision within each county. Supervision within each municipality is carried out by the municipal committee(s) responsible for dealing with health and environmental questions, unless the Government has prescribed that the supervision shall be carried out by the National Food Administration.

The Government or the authority appointed by the Government may delegate certain supervisory tasks to a private inspection body which is a legal person.

§ 25 A supervisory authority may issue an injunction or prohibition which is obviously needed in order to ensure compliance with this Act, regulations issued according to this Act or EC Regulations which this Act complements.

A supervisory authority may stipulate fines in decisions on an injunction or prohibition.

If a person fails to take measures which he/she is responsible for according to this Act, regulations issued according to this Act or the EC Regulations which this Act complements or according to an injunction issued by a supervisory authority, the authority may have corrective measures carried out at the expense of the defaulter.

**§ 25 a** The supervisory authorities shall act so that legal action is taken against contraventions of this Act and the EC Regulations which this Act complements.

**§ 26** For supervision according to § 24, a supervisory authority and a private inspection body have the right to enter areas, food premises or other space and may there carry out investigations and take samples. A supervisory authority and a private inspection body have the right to obtain on demand the information and documents that are needed for supervisory purposes.

The police authority is required, on request, to render the assistance necessary for carrying out supervision.

**§ 27** A supervisory authority may seize a product which is offered for sale, or obviously intended to be offered for sale, in contravention of § 16 or 17 or in contravention of an EC Regulation which this Act complements.

Furthermore, a supervisory authority may seize a product which is subject to an injunction or prohibition according to § 25, if the injunction or prohibition is not complied with.

The Government or the authority appointed by the Government may issue regulations on the action to be taken with meat which has been seized under the provisions of the first paragraph in connection with slaughter.

If, in a case other than that referred to in the second paragraph, a product has been seized, the owner may, under the supervision of the supervisory authority, make it fit for use as food or use it for another purpose. Otherwise the supervisory authority shall arrange for the product to be destroyed.

The supervisory authority shall also arrange for the destruction of such products as are affected by a prohibition according to § 11 a, unless there are special reasons for acting otherwise.

**§ 28** The Government or the authority appointed by the Government may issue regulations on how supervision shall be carried out and on investigations and other control measures that are necessary to ensure compliance with this Act and the EC Regulations which this Act complements.

For the control of meat the Government or the authority appointed by the Government may issue regulations on meat inspection and on the information that a person sending an animal to slaughter must supply. To the extent necessary from the health or nutritional points of view, such regulations may be issued for meat from different animal species.

**§ 29** The Government or the authority appointed by the Government may prescribe that food handlers shall themselves carry out special control of their handling appropriate to the nature of their activities.

## **Fees for the work of the authorities**

**§ 29 a** The Government or the authority appointed by the Government may issue regulations on fees for the work of an authority and a private inspection body according to this Act, according to regulations issued according to the Act or according to the EC Regulations which this Act complements. Such fees may also refer to an authority's costs for consideration of approval according to the Act, regulations or EC Regulations.

The Government may prescribe that a municipality shall arrange for the collection of fees for the national supervision.

## **Penalties and appeals**

**§ 30** Providing the offence is not insignificant, a fine or a sentence of imprisonment for up to one year can be passed on a person who intentionally or through negligence

1. contravenes § 6, 8, 16, 17 or 19, the first paragraph of § 21 or § 23,
2. contravenes regulations that have been issued according to § 9 or 10, § 11 as far as handling is concerned, § 12, § 20, the second paragraph of § 21, the third paragraph of § 22, the second paragraph of § 28 or § 29,
3. in labelling according to regulations issued according to § 13 gives incorrect information,
4. disregards conditions that have been stipulated according to § 6,
5. contravenes regulations issued according to the first paragraph of § 4 a or regulations on quality standards or other conditions for trade in foodstuffs which are given in the EC Regulations which the Act complements.

If duties of importance from the health point of view or for the interests of the consumers have been neglected intentionally on a large scale or otherwise in a serious way, a sentence of imprisonment for up to two years can be passed.

A person who intentionally or through negligence fails to carry out what is required of him/her according to point 2 of the first paragraph of § 26 is liable to a fine.

The first paragraph is not applicable if the offence is punishable according to the Penal Code.

Provisions concerning penalties for a person who imports or attempts to import food into Sweden in contravention of regulations issued according to § 11 are given in the Act on Penalties for Smuggling (SFS 1960:418).

**§ 31** *Deleted by Act SFS 1975:733.*

**§ 32** A product that has been the subject of an offence according to this Act or the value of the product and also the profit arising out of such an offence shall be forfeited, if it is not obviously inequitable to do so.

**§ 33** An appeal against a decision made according to this Act by a municipal committee or by a veterinary meat inspector according to regulations issued according to § 11 or the second paragraph of § 28 can be made to the county administrative board.

**§ 34** An appeal against a decision made according to this Act by a county administrative board can be made to a general administrative court. Leave to appeal is required for an appeal to an administrative court of appeal.

**§ 35** An appeal against a decision made in a special case by the National Food Administration according to this Act, or according to a Government decree according to the Act, can be made to a general administrative court. Leave to appeal is required for an appeal to an administrative court of appeal.

An appeal against a decision made in other cases by the National Food Administration according to this Act, or according to a Government decree issued according to this Act, can be made to the Government. In order to safeguard the consumer interest in matters concerning food, an appeal against such a decision may be made by an organisation that is regarded as a central employee organization according to the Act on Co-determination in Working Life (SFS 1976:580) or a corresponding organization on the employer's side.

**§ 36** An authority may prescribe that its decision shall be complied with even though an appeal has been made against it.

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The Food Act (SFS 1971:511) came into force on 1 January 1972. Since then, a series of acts amending the Food Act have been introduced. The latest amendments came into force on 1 July 2000.