

SI 265 of 2002

## **Food and Food Standards (Food Labelling) Regulations, 2002**

Statutory Instrument 265 of 2002.

Gazetted on the 4th October, 2002.

Amended by S.I. 95 of 2003.

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

1. (1) These regulations may be cited as the Food and Food Standards (Food Labelling) Regulations, 2002.

(2) These regulations shall come into operation six months from the date of publication. [i.e. 4th April, 2003—Editor.]

Application

2. (1) These regulations shall apply to all foods which are sold or manufactured for sale in Zimbabwe.

(2) No person shall sell, import or manufacture for sale any food other than in terms of these regulations.

Interpretation

3. In these regulations;

“business address” means an address stating—

- (a) the name of the city, town or other place;
- (b) the name of the street or road;
- (c) the number, if any, of the business premises in relation to the street or road where the office from or at which the business is conducted;

(d) where the food is imported into Zimbabwe, the name of the country of origin of the food, or such shorter address as may be approved by the Secretary;

“claim” means any representation which states, suggests or implies that a food has particular qualities relating to its origin, nutritional properties, nature, processing, composition or any other quality;

“date of manufacture” means the date on which the food becomes the product as described;

“date of packaging” means the date on which the food is placed in the immediate container in which it will be ultimately sold;

“date of minimum durability” (“best before”) means the date which signifies the end of the period under any stated storage conditions during which the product will remain fully marketable and will retain any specific qualities for which tacit or express claims have been made;

“dietary fibre” means edible plant and animal material not hydrolysed by the endogenous enzymes of the human digestive tract as determined by the agreed upon method;

“food” means any substance which is in whole or in part, intended for human consumption or which is intended for entry into, or to be used in the manufacture of any such substance;

“food additives” means any substance other than a pesticide—

(a) not normally consumed as a food by itself but which, when added to any food, results, directly or indirectly, in its becoming a component or otherwise affecting the characteristics of such food;

(b) used for technical purposes in the manufacture, processing, preparation, treatment, packing, packaging, transportation or holding of foods;

“ingredient” means any substance, including a food additive, used in the manufacture or preparation of a food and present in the final product although possibly in a modified form;

“label” means any tag, brand-mark, pictorial or other descriptive matter, written, printed, stenciled, embossed or impressed on, or attached to, a container of food;

“labelling” includes any written, printed or graphic matter that is present on the label, accompanies the food, or is displayed near the food: including that for the purpose of promoting its sale or disposal;

“lot” means a definitive quantity of a commodity produced essentially under the same conditions;

“nutrient” means any substance normally consumed as constituent of food—

(a) which provides energy; or

(b) which is needed for growth, development and maintenance of life; or

(c) a deficit of which will cause characteristic biochemical or physiological changes to occur;

“nutrition claim” means any representation which states, suggests or implies that a food has particular nutritional properties including but not limited to the energy value and to the content of protein, fat and carbohydrates, as well as the content of vitamins and minerals. The following do not constitute nutrition claims—

(a) the mention of substances in the list of ingredients;

(b) the mention of nutrients as a mandatory part of nutrition labelling;

(c) quantitative or qualitative declaration of certain nutrients or ingredients on the label if required by national legislation;

“nutrition declaration” means a standardized statement or listing of the nutrient content of a food;

“nutrition labelling” is a description intended to inform the consumer of nutritional properties of a food ;

Nutritional labelling consists of two components—

(a) nutrient declaration;

(b) supplementary nutrition information;

“polyunsaturated fatty acids” means fatty acids with cis-cismethylene interrupted double bonds;

“prepackaged” means packaged or made up in advance in a container, and ready for sale;

“shelf life” means a period of time after the date of packaging during which a food produced has no significant risk of spoilage, loss of value, or loss of palatability if any recommended conditions of storage and handling as disclosed on the label of such product are followed;

“sugars” means all mono-saccharides and di-saccharides present in food;

“used-by date” (recommended last consumption date, expiration date) means the date which signifies the end of the estimated period under any stated storage conditions, after which the product probably will not have the quality attributes normally expected by consumers. After this date, the food should not be regarded as marketable.

Prepackaged food labelling

4. (1) Prepackaged food shall not be described or presented on any label or in any labelling in a manner that is false, misleading or deceptive or is likely to create an erroneous impression regarding its character in any respect.

(2) Prepackaged food shall not be described or presented on any label or in a labelling by words, pictorial or other devices which refer to or are suggestive either directly or indirectly, or any other product with which such food might be confused, or in such a manner as to lead the purchaser or consumer to suppose that the food is connected with such other products.

#### Labelling

5. (1) The package of every food offered for sale shall bear a label stating the following particulars—

(a) the name and business address of the manufacturer, packer or distributor indicating the actual site of production;

(b) an accurate statement of the contents in terms of mass, measure or numerical count;

(c) the common or usual name of the food, or if it purports or is represented to be a food for which a standard had been established, the name prescribed in that standard or where no common or standard names exists, the appropriate descriptive name;

(d) if the food is made from two or more ingredients, the common or usual name of each such ingredient in descending order of proportion by mass provided that

(i) pork fat, lard and beef fat shall always be declared by their specific names;

(ii) class names as indicated in the First Schedule may be used;

(e) where the food contains any artificial flavouring or artificial colouring the name of the artificial flavouring or artificial colouring;

(f) where the food contains a chemical preservative, immediately preceding or following the time of the preservative ingredient, the words “added as a preservative” or words to that effect;

(g) date of minimum durability in the form of “Best before . . .” followed by day, month, year of produce with a minimum durability of not more than 3 months, months and year for products with a minimum durability of 3 months and more or “use by . . .” followed by day and month for products with a shelf life not exceeding 30 days provided that products listed in the Second Schedule are exempted from this declaration;

(h) where a food or any of its ingredients has been treated with ionizing radiation a written statement indicating that treatment in close proximity to the name of the food or ingredient. The use of the international radura sign (as shown in Schedule III) is optional but where it is used it should be in close proximity to the name of the food;

(i) where a food or any of its ingredients has been genetically modified it shall be declared in writing in close proximity to the produce or ingredient name;

(j) a packing number and/or date on which the goods were packed or code number which signifies such date provided that an inspector shall on request be informed by the manufacturer or producer of the date which such code number signifies.

(2) The particulars required to appear on the label in terms of subsection (1) shall be—

(a) in the English language:

Provided that in the case of foods described solely in an area where English is not the predominant language, the predominant language may be used in addition to English; and

(b) printed in clear and indelible letters and be prominent and legible; and

(c) printed in a contrasting colour to that of the back-ground of the package;

(d) printed in type no smaller than six point;

Provided that—

(i) the particulars referred to in paragraphs (b) and (c) of subsection (1) shall be printed in a type no smaller than twelve point;

(ii) where the size or the nature of the package would render compliance with this subsection impossible, the Secretary may authorize, in writing, such particulars, to be printed in smaller type or be omitted.

(3) Labels shall be affixed on a conspicuous position on the package.

(4) A label shall state any necessary direction for the handling use storage of the particular food , for example “keep refrigerated”.

#### Claims

6. (1) The following claims are prohibited—

- (a) claims stating that any given food will provide an adequate source of all essential nutrients except with permission from the Secretary for Health and Child Welfare;
- (b) claims which cannot be substantiated;
- (c) claims implying that a balanced diet of ordinary foods cannot supply adequate amount of all nutrients;
- (d) claims as to the suitability of a food for use in the prevention, alleviation, treatment or cure of a disease, disorder or particular physiological condition unless they are permitted by the Secretary for Health and Child Welfare;
- (e) misleading claims such as use of incomplete comparatives and superlatives and claims as to good hygienic practice such as “wholesome”, “healthful”, “sound”.

(2) Where a nutrition claim has been made with respect to any nutrient

- (a) (i) the nutrient content shall satisfy the conditions set out in Part A of the Fourth Schedule;
- (ii) a nutrition declarati6n shall be put on the label and shall include nutrients listed in part B of the Fourth Schedule;
- (b) for nutrition purposes nutrient reference values set out in Part C of the Fourth Schedule shall be used.

#### Exemptions

7. (1) Notwithstanding anything contained in these regulations, the Secretary may, by notice in writing, exempt any person from compliance with any provision of these regulations.

(2) Conditions set out in the Fifth Schedule shall form the basis for granting exemption to any provisions of these regulations.

#### Penalties

8. Any person who contravenes any provisions of these regulations shall be guilty of an offence and liable to a fine not exceeding level five or to imprisonment for a period not exceeding six months or to both such fine and imprisonment.

[Substituted by S.I. 95 of 2003.]

#### Repeals and savings

9. (1) The Food and Food Standards (Food Labelling) Regulations, 1990, published in Statutory Instrument 102 of 1990 and Food and Food Standards (Open Date Labelling) Regulations, 1991, published in Statutory Instrument 268 of 1991, are repealed.

(2) Notwithstanding subsection (1) any application or decision made or other thing whatsoever made, done or commenced under the repealed regulations which, immediately before the fixed date had or was capable of acquiring legal effect, shall continue to have or to be capable of acquiring legal effect, shall continue to have or to be capable of acquiring, as the case may be, the same legal effect, mutatis mutandis, as if it had been made, done or commenced under the appropriate provision of this regulation.

#### First Schedule (Section 5(1)(D))

##### PERMITTED CLASS NAMES FOR INGREDIENTS FOR LABELLING PURPOSES

Ingredients      Class names

Permitted food odours      “Colour”

Refined oils and other olive      “Oil” together with either the term

Refined oils and other than olive “Vegetable” or “animal”, qualified by the term “hydrogenated”, as appropriate

Refined fats      “Fat” together with either, the term “vegetable” or “animal”, as appropriate

Starches, other than chemically modified starches      “Starch”

All species of fish where the fish constitutes an ingredient of another food and provided that the labelling and presentation of such food does refer to a specific species of fish “Fish”

All types of poultry meat when such meat constitutes ingredient of another food and provided that the labelling and presentation of such a food does not refer to a specific type of poultry meat "Poultry meat"

All types of cheeses where the cheese or mixture of cheeses constitutes an ingredient of another food and provided that the labelling and presentation of such food does not refer to a specific type of cheese "Cheese"

All spices and spice extracts not exceeding 2% by weight mixed spices: as either singly or in combination in the food "Spice", "spices", or "mixed spices", as appropriate

All herbs or parts of herbs not exceeding 2% by weight either singly or in combination in the food "Herbs" or "mixed herbs" as appropriate

All types or parts of gum preparations used in the manufacture of gum base for chewing gum "Gum base"

All types of sucrose "Sugar"

Anhydrous dextrose and dextrose monohydrate "Dextrose" or "glucose"

All types of caseinates "Caseinates"

Anhydrous dextrose and dextrose monohydrate "Dextrose" or "glucose"

All types of caseinates "Caseinates"

Press, expeller or refined cocoa butter "Cocoa butter"

Permitted flavours "Flavour"

All crystallized fruit not exceeding 10% of the weight of the food "Crystallized fruits"

#### Second Schedule (Section 5(L)(G))

#### FOOD PRODUCTS EXEMPTED FROM DECLARATION OF "BEST BEFORE" OR "USE BY" DATE.

1. Fresh fruit and vegetable including potatoes which have not been peeled, or cut and are offered for sale unpackaged or in packages that allow for sensory evaluation.
2. Fresh meat, fresh poultry and fresh fish offered for sale unpackaged.
3. Wines, liqueur, sparkling wines, aromatized wines, fruit wines and sparkling fruit wines, spirits, port, sherry, whisky, brandy.
4. Vinegar.
5. Bread sold unpackaged.

#### Third Schedule (Section (5)(1) (H))

##### RADURA SIGN

( not reproduced here – Editor.)

#### Fourth Schedule (Section 6)

##### Part A

#### CONDITIONS FOR USE OF NUTRITION

Component	Claim	Conditions
Protein Source	High	10% of NRV* per 100 g (solids) 5% of NRV per 100 ml (liquid) 2 times the values for source
	Low	15% of NRV per 1 000 (solids)
Vitamins and minerals Source	High	7,5% of NRV per 100 ml (liquid) 2 times the value of source
	Low	15% of NRV per 1 000 (solids)
Fibre	Source	3g per 100g
	High	6 g per 100 g
Energy	Low	40 Kcal (170 kl) per 100 g (solids) or 20 kcal (80 k) per 100 ml (liquids)
	High	40 Kcal (170 kl) per 100 g (solids) or 20 kcal (80 k) per 100 ml (liquids)
Fat	Low	3 g per 100 (solids) 1,5 g per 100 ml (liquids)
	Free	0,15 g per 100 g or per 100 ml
Saturated fat	Low	1,5 g per 100 g (solids)

		0,75 g per 100 g (liquids) and less than 10% or energy
Cholesterol	Low	20 mg per 100 g (solids) 10 mg per 100 ml (liquids) and less than: 1,5 g saturates per 100 g (solids) 0,75 g saturates per 100 g (liquids) and 10% of energy
Sugars	Free	0,5 g per 100 g/or per 100 ml
Sodium	Low	120 mg per 100 g
	Very low	40 mg per 100 g
	Free	5 mg per 100 g

\* NRV—Nutrient Reference Value

#### Part B

#### NUTRIENTS TO BE DECLARED ON LABEL

Protein content

Carbohydrate content (excluding dietary fibre)

Fat content

Content of nutrient for which claim has been made

Energy value

#### Part C

#### NUTRIENT REFERENCE VALUES FOR USE FOR LABELLING PURPOSE

Protein (g)	50
Vitamin A (ug)	800
Vitamin D (ug)	5
Vitamin C (mg)	60
Thiamin (mg)	1.4
Riboflavin (mg)	1.6
Niacin (mg)	18
Vitamin B6 (mg)	2
Folic acid (ug)	200
Vitamin B12 (ug)	1
Calcium (mg)	800
Magnesium(mg)	300
Iron (mg)	14
Zinc (mg)	15
Iodine (ug)	150

Fifth Schedule (Section 7 (2))

#### CONDITIONS FOR GRANTING EXEMPTION

The following shall be conditions for which exemptions from some provisions of this regulation may be granted-

(1) If the package of any pre-packaged food is too small as to make it impossible to comply with the provisions of these regulations.

(2) If the food is packaged in bulk for further packaging prior to presentation for sale.

Notwithstanding the above provisions the manufacturer, seller or supplier of such food shall seek exemption from any provisions of the regulations by making a written application to the Secretary.