FOOD ACT No.26 OF 1980

REGULATION made by the Minister of Health in consultation with the Food Advisory Committee under section 32 of the Food Act No.26 of 1980.

..........................2001                          Minister of Health
Colombo.

Regulations

PART I

Administration

1. These regulations may be cited as the Food (Imported Food Inspection) Regulations 2001, and shall come into operation on the........day of .................2001.

2. No consignment of imported food intended for human consumption shall be removed by the importer or his authorized agent or any other person out of the Port Premises without the approval of the Authorized Officer appointed under the Food Act.

3. No person other than a Food & Drugs Inspector specifically authorized by name by the Chief Food Authority in writing shall carry out inspection of imported food for the purpose of clearance from the Port Premises.

4. No person shall import any food item referred to in schedule I of these regulations without a Load Port Survey Certificate issued by a recognized agency, which is a member of the International Federation of Inspecting Agencies (IFIA) or a competent Government Authority of the exporting country.

5. Details of all consignments of imported food intended for direct human consumption or for further processing prior to human consumption shall be notified to the Imported Food Inspection Unit at least 24 hours prior to the intended removal of such consignments.

6. All notifications received in terms of section 3 shall be registered in a register of consignments or an electronic database or both at the Imported Food Inspection Unit by the Authorized Officer and a registration number assigned to the consignment.
7. The Officer in Charge of Imported Food Inspection Unit shall scrutinize all documents relating to the consignment and appropriate observations shall be made on the relevant documents.

8. Assignment of date, time and place of inspection and assignment of inspectors shall be done by the Officer in Charge of the Imported Food Inspection Unit.

9. The importer or his authorized agent shall provide all reasonable facilities for effective inspection and evaluation of the food product.

10. The inspector may, after notifying the Sri Lanka Customs and with mutual arrangements with the Customs may recommend recall of the consignments to the Port Premises or direct the consignee or his authorized agent to transfer the consignment to any other location deemed fit for inspection, if the original location or facilities provided therein found to be unsatisfactory for efficient inspection and evaluation of the food consignment.

PART II

Inspection-General

1. Authorized Officers either within the designated Port Locations or outside, in the warehouses of the importers as arranged by the Customs shall carry out inspection.

2. Inspections may be carried out either alone by the Authorized Officer or in conjunction with the Customs Officials as may be arranged.

3. Inspections shall be carried out at the earliest date and time possible under proper lights and environmental conditions that would not adversely affect the safety of the consignments.

4. Inspections shall be carried out to ensure compliance with requirements prescribed under Regulations published under the Food Act No.26 of 1980 and directions issued from time to time by the Director in charge of the Food Control Administration Unit of the Department of Health Services in consultation with the Imported Food Risk Advisory Committee.

5. The Food Advisory Technical Sub Committee shall perform the functions of the Imported Food Risk Advisory Committee.
6. The Officer in charge of the Imported Food Inspection shall ensure that regular monthly returns of the inspections carried out be sent to the Food Control Administration Unit in the format in schedule II.

7. If standards or guidelines do not exist in the regulations published under the Food Act in respect of any commodity, the opinion of the Government Analyst or that of the Imported Foods Risk Advisory Committee or both may be sought for.

8. The decision of the Imported Food Risk Advisory Committee shall be final.

9. If, on visual or organoleptic examination, the inspector is satisfied that the release of the food consignment is justified, he may endorse on the appropriate document that the food is “Approved for Release” in the case of food consignments intended for further processing or “Certified fit for human consumption” in the case of food consignments intended for direct human consumption.

10. If, on the inspection described in section II (6) the inspector is of the opinion that there is evidence of any non-compliance, deterioration of the product, insect infestation or presence of deleterious material, he may recommend detention of the consignment to the Customs for detail inspection, sampling and follow up action.

11. The inspector shall communicate to the Customs as well as the Importer his decision to detain the consignment in writing, setting out his reasons for his decision.

12. In the case of perishable raw food items that require further processing prior to human consumption, the inspector may approve the consignment for release if the percentage of deterioration does not exceed 25.

13. If the deterioration is observed to be more than 25% but less than 50% a conditional release may be recommended to the importer’s warehouse so that the consignment could be salvaged under supervision.

14. If the deterioration is observed to be above 50% the inspector shall recommend destruction of the consignment under supervision or re-export at the expense of the importer.

15. If deterioration, contamination, presence of un-permitted ingredients, additives or anything that has the potential to adversely affect the health of the consumer detected in the case of food consignments meant for direct human consumption such consignments may be detained and recommended to be either destroyed or re-exported at the expense of the importer.
16. In the case of non-compliance with the provisions of Food (Labelling & Advertising) Regulations–2001, an opportunity may be afforded to the importer to bring the labels of the products in conformity with the language provisions if the violation is only in respect of the language provisions.

17. Consignments referred to in section 14 may be permitted to be released on a written undertaking from the importer to the effect that the consignment would be brought into conformity within a stipulated period of time and produced for re-inspection by Authorized Officer and final release, if satisfied.

18. If the procedure set out under section 15 is not satisfactorily completed in the first instance a further opportunity may not be afforded to the importer for the removal of the consignment for such operation.

19. A second opportunity may be recommended to the Customs in respect of the consignee referred to in section 16 for removal of the consignment to his warehouse on furnishing a bank guarantee to the Customs, which may be forfeited if not complied with the undertaking within the stipulated period of time.

Inspection of break-bulk cargo in large vessels

1. The inspector shall board the vessel and verify documents in possession of the Vessel Master and ensure that deck-cleaning process had been completed by a recognized organization of the exporting country certifying the fitness of the vessel to carry break-bulk food cargo.

2. The inspector shall verify from documents, the cargo carried by the vessel immediately prior to the current food cargo and shall draw samples from vulnerable points of the present cargo for analysis to ensure that the current cargo had not been contaminated from the residues of the previous cargo.

3. The inspector shall continue to draw samples from break-bulk cargo at various stages of unloading and monitor the safety of the product.

PART III

Sampling

1. Samples may be drawn from imported food consignments for the following purposes.
a) Monitoring;

b) Demonstration of a specific defect or confirmation of a doubt;

c) Reference;

2. Samples may be drawn either according to a sampling plan or on a selective basis. Consignments from which samples are drawn for confirmation of any doubt may be either detained in the Port Premises, released to the consignee's premises under seal, if containerized or released to the warehouse of the consignee on bank or personal guarantee at the discretion of the inspectors in consultation with the Customs depending on the circumstances.

3. The Inspector drawing the sample shall be responsible for the integrity, safe custody and submission of the sample to the relevant laboratory.

4. Details of all samples drawn shall be recorded in a register of samples and the results of analyses be recorded as soon as they are received.

5. Sampling for microbiological analysis shall be carried out as per instructions given from time to time from the Food Control Administration Unit.*

6. Sampling for mycotoxin shall be carried out in terms of the instructions contained in the manual for mycotoxin sampling No.

7. Sampling for radioactivity contamination shall be carried out in terms of instructions contained in the circular……………

8. Sampling for pesticide residues…….*

9. A separate register of consignments rejected as unfit for human consumption, destroyed, re-exported or disposed of in any other manner shall be maintained and documents relating to all such action shall be filed of record.

Notifications

1. The Officer in charge of the Imported Food Inspection Unit shall notify promptly to the Food Control Administration Unit, the details of any food consignments rejected for onward transmission to other countries.

2. Notifications of rejection received from other countries shall be promptly recorded by the Officer in charge of the Imported Food
Inspection Unit and vigilance exercised to prevent entry of such food consignments into the country.

“Food” means any substance, whether processed, semi processed or raw, which is intended for human consumption, and includes drinks, 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 Additive” means any substance not normally consumed as a food by itself and not normally used as a typical ingredient of the food, whether or not it has nutritive value, the intentional addition of which to food for a technological (including organoleptic) purpose in the manufacture, processing, preparation, treatment, packing, packaging, transport or holding of such food results, or may be reasonably expected to result, (directly or indirectly) in it or its by-products becoming a component of or otherwise affecting the characteristics of such foods. The term does not include “contaminants” or substances added to food for maintaining or improving nutritional qualities.

“Ingredient” means any substance, excluding food additive, used in the manufacture or preparation of a food and present in the final product.

“Contaminant” means any substance not intentionally added to food, which is present in such food as a result of the production (including operations carried out in crop husbandry, animal husbandry and veterinary medicine), manufacture, processing, preparation, treatment, packing, packaging, transport or holding of such food as a result of environmental contamination.

SCHEDULE I

Food items meant for direct human consumption requiring Load Port Survey Certificates/ Health Certificates/Certificates of Analysis.

I. Sugar  
II. Dates  
III. Sultana  
IV. Apples  
V. Grapes  
VI. Milk Powder  
VII. Butter  
VIII. *....
SCHEDULE II