

GOVERNMENT NOTICE No. 116 published on 25/8/2006

THE TANZANIA FOOD, DRUGS AND COSMETICS  
(TREATMENT AND DISPOSAL OF UNFIT FOOD)  
REGULATIONS, 2006

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THE TANZANIA FOOD, DRUGS AND COSMETICS ACT, 2003  
(No. 1 OF 2003)

REGULATIONS

(Made under section 122 (1)(z))

THE TANZANIA FOOD, DRUGS AND COSMETICS (TREATMENT AND DISPOSAL  
OF UNFIT FOOD) REGULATIONS, 2006

- Citation            1. These Regulations may be cited as the Tanzania Food, Drugs and Cosmetics (Treatment and Disposal of Unfit Food) Regulations, 2006 and shall come into operation on the date of publication in the *Gazette*.
- Application        2. These Regulations shall apply to all areas in which the Act applies and shall affect all foods which are unfit for human consumption, or suspected of being unfit for human consumption or any food which is condemned by a Court under section 34(4) of the Act, or which is in any other way, found by an inspector to be manufactured, imported, distributed, sold, offered or exposed for sale, contrary to any of the provisions of the Act or these Regulations.
- Interpre-            3. In these Regulations, unless the context otherwise requires—  
tation  
Act No. 1  
of  
2003            “Act” means the Tanzania Food, Drugs and Cosmetics Act, 2003;  
“documentary food sample” means a sample obtained by copying the documents covering the sale of food in question without collecting an actual food sample where such food sample would be too heavy, expensive, bulky or one not possible of collection;  
“formal or official food sample” means a food collected and divided in accordance with section 103 of the Act;  
“informal or unofficial food sample” means a food sample collected for the purpose of obtaining information and need not necessarily be analysed;  
“post seizure food sample” means a sample collected by an order of a court in respect of food under seizure.  
“sampling form” means a form for the collection of a sample as set out in the Schedule to these Regulations;

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G. N. No. 116 (contnd.)

“seizure certificate” means a certificate set out in the Schedule to these Regulations issued by inspector in respect of seized food which is unfit for human consumption or which is suspected of being unfit for human consumption;

“unfit food” means a food which violates any provision of the Act or any regulations made under these Regulations;

“voluntary condemnation certificate” means a certificate issued by Inspector in respect of seized food which is unfit for human consumption;

“voluntary surrender” means the wilful act of handing over to inspector a food which is unfit or suspected of being unfit for human consumption.

4.-(1) A food owner or his agent may, on being satisfied that his food is unfit for sale for human consumption, voluntarily surrender it to inspector for condemnation.

Voluntary  
surrender

(2) The Inspector shall, prepare for the owner or his agent a voluntary surrender or condemnation certificate in the form set out in the Schedule to these Regulations in respect of that food if he is so satisfied that food is unfit for sale for human consumption and that food shall be destroyed or disposed of in a similar manner as condemned by order of a court.

5.-(1) Any food which is in violation of the Act or Regulations made thereunder may at the discretions of an Inspector and with the agreement of the owner of the food or his agent, be re-conditioned in order to make it fit for human consumption, or for removal of any mis-representation, or for diverting from sale for human consumption to any other use such as for sale for animal feed. as the case may be.

Recondi-  
tioning of  
food

(2) An inspector who decides to re-condition violative food shall be responsible for seeing that the process he has chosen is complete and effective and shall also get a representative sample when necessary to check the acceptability of the final product and account for the entire lot to guard against manipulation of the lot or part of it by owner or his agent.

6. Where an Inspector seizes food which is unfit for human consumption or which is suspected of being unfit for human consumption he may—

Seizure of  
food

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- (a) mark it and remove the same from where he found it and inform the owner or his agent, of his intention to have it dealt with by a Court; or
- (b) mark it in accordance with section 99 (2)(a) of the Act and leave it under the care of the owner or his agent and in either case an Inspector who seizes such food shall issue an appropriate seizure certificate set out in the *Schedule* to these Regulations in respect of that food.

Procedure  
for  
disposal

7.—(1) An Inspector who seizes food which is unfit for sale for human consumption or which is suspected of being unfit for sale for human consumption in accordance with the Act shall—

- (a) inform the person owning the food, or his agent, of the exact reasons of unfitness of such food;
- (b) where the unfitness is such that the food cannot be re-conditioned to make it fit for sale for human consumption, the inspector shall further inform the owner of the food, or his agent, of the form of disposal he intends to use in destroying or disposing of the food;

(2) The owner of food so seized, or his agent, may agree or disagree with the views of an Inspector in respect of the unfitness of his food so seized and where such owner, or his agent, agree with the views of an Inspector, the Inspector shall ask the owner or his agent to signify his agreement to the effect by signing a voluntary surrender or condemnation certificate in respect of that food, as the case may be.

(3) Where the views of an Inspector are rejected by the owner of seized food, or his agent, he shall take the food to the Court whose decision on the condition of the food shall be binding on both parties.

(4) If the Court confirms the views of the Inspector in respect of food taken before it, the Inspector shall have the duty to:

- (a) dispose the food in accordance with the decision of the Court and make sure that the method of disposal used completely removes the food from the channels of commerce of all kinds by rendering it impossible of being eaten by the sane person; and

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(b) prepare a compulsory condemnation certificate in the Form prescribed in the Schedule to these Regulations in respect of that food and give it to the owner or his agent.

(5) In addition to any punitive measure, ordered by the court, the owner of the food in question shall bear the cost of disposing of such food.

8. The Food (Control of Quality) (Treatment and Disposal of Unit Food) Regulations of 1994 are hereby revoked.

Revocation  
GN. No.  
82  
of 1994

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SCHEDULE  
—————

THE UNITED REPUBLIC OF TANZANIA  
MINISTRY OF HEALTH AND SOCIAL WELFARE

TANZANIA FOOD AND DRUGS AUTHORITY

THE TANZANIA FOOD, DRUGS AND COSMETICS (TREATMENT AND  
DISPOSAL OF UNFIT FOOD) REGULATIONS 2006

SAMPLING NOTIFICATION AND RECEIPT

—————  
*(Made under regulation 3)*  
—————

To .....  
(Name and address of owner or agent)

I ..... have this.....  
(Name of Inspector)

day of.....taken/procured/purchased sample of the hereunder  
detailed product(s) from the premises situated at.....

*Tanzania Food, Drugs and Cosmetics (Treatment and Disposal of Unfit Food)*  
*G. N. No. 116 (contnd.)*

under powers vested in me under Section 101 of the Tanzania Food, Drugs and Cosmetics Act, 2003 for further examination. If I consider it necessary, will have the same analysed by an analyst.

Details of the food product(s) sampled

S/N	Brand Name	Common Name	Qty or number	Batch/Lot No.	Date of manufacture	Expiry date

Date..... Size of sample (quantity or No.)..... Place.....

.....  
*Name of Inspector*                      *Signature of Inspector*                      *Title of Inspector*

.....  
*Address of Inspector*

.....  
*Name and signature of Owner or Agent*

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 DISPOSAL OF UNFIT FOOD) REGULATIONS 2006

SAMPLING NOTIFICATION AND RECEIPT

*(Made under regulation 3)*

To .....  
 (Name and address of owner or agent)

.....  
 .....

I .....have this.....  
 (Name of Inspector)

day of ..... taken/procured/purchased sample of the hereunder  
 detailed product(s) from the premises situated at

..... under powers vested  
 in me under Section 101 of the Tanzania Food, Drugs and Cosmetics Act, 2003 for  
 further examination. If I consider it necessary, will have the same analysed by an  
 Analyst.

Details of the food product(s) sampled

S/N	Brand Name	Common Name	Qty or number	Batch/ Lot No.	Date of manufacture	Expiry date

Date ..... Size of sample (quantity or No.)..... Place:.....

.....  
 Name of Inspector                      Signature of Inspector                      Title of Inspector

.....  
 Address of Inspector

.....  
 Name and signature of Owner or Agent

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**TANZANIA FOOD AND DRUGS AUTHORITY**

THE TANZANIA FOOD, DRUGS AND COSMETICS (TRETMENT AND DISPOSAL  
 OF UNFIT FOOD) REGULATIONS 2006

CERTIFICATE OF VOLUNTARY SURRENDER OF FOODSTUFF

*(Made under regulation 4)*

PART 'A'

S/n	Food Article (S)		Qty or No.	Batch No.	Expiry date	Estimated monetary value	Reasons for surrender
	Brand name	Common name					

PART 'B'

I hereby voluntarily surrender the above named food article(s) to the Inspector for examination and disposal as he/she deems fit.

Date:.....

.....  
 Signature of owner or agent

.....  
 Name of owner or agent

.....  
 Date

PART 'C'

I certify that I have examined the above named food article(s) and am of the opinion that it is/they are unsound and unfit for human consumption due to facts stated above and hereby condemn it/them and destroy/dispose it/them by .....under my supervision.

Date .....

.....  
 Name of Inspector

.....  
 Signature and Stamp of Inspector



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SEIZURE CERTIFICATE - A

*(Made under regulation 6)*

(To be used in case of seizure of food article(s) where the food article(s) are to be removed from the premises)

To .....  
(Name and Address of owner or agent)

Whereas I.....have reason to believe that  
(Name of Inspector)

the stock of food article(s) detailed below which is in your possession at the premises situated at ..... contravenes the provisions of the Tanzania Food, Drugs and Cosmetics Act, 2003 or the Regulations made thereunder. Now, therefore, I hereby seize the said food article(s) under the provisions of section .....of the said Act.

Details of food article(s) seized

S/n	Brand name	Common name	Qty or number	Batch number	Date of manufacture	Expiry date	Reasons for seizure

If you consent to the destruction or disposal of the food articles seized as mentioned above as I direct, you should sign your name to the following voluntary declaration and return the original of this certificate to me.

Date .....

.....  
Signed Name, Designation and address of Inspector  
in block letters

I consent to the destruction or disposal of the food article(s) seized and mentioned above.

Date .....

.....  
Signature of owner or his agent in  
possession

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SEIZURE CERTIFICATE – B

*(Made under regulation 6)*

(To be used where the food article(s) has/have to be left under care of owner or his agent)

To.....  
 (Name and Address of owner or agent)

.....

Whereas I.....have reason to believe that the  
 (Name of Inspector)

stock of food article(s) detailed below which is in your possession at the premises situated at .....Contravenes the provisions of the Tanzania Food, Drugs and Cosmetics Act, 2003 or Regulations made there under. Now, therefore, I hereby seize the said food article(s) under the provisions of section ..... of the said Act, and direct you to keep the said sealed stock in safe custody subject to such orders as may be issued subsequently in relation thereto. Be it known to you that removal or alteration or interference in any way with the said food article(s) without my authority is an offence under section ..... of the said Act.

S/n	Brand name	Common name	Qty or number	Batch number	Date of manufacture	Expiry date	Reasons for seizure

I hereby further order you to sign your name on this seizure certificate as a declaration of your acknowledgement of receipt of this certificate with the said food article(s) intact as mentioned above.

Date.....  
 Signature of inspector

Date.....  
 Signature of owner or agent

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TANZANIA FOOD AND DRUGS AUTHORITY

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DISPOSAL FOR UNFIT FOOD) REGULATIONS 2006

CERTIFICATE OF COMPULSORY CONDEMNATION OF FOODSTUFF

(Made under regulation 7 (2)(b))

PART "A"

S/N	Food article (S)		Qty or No.	Batch No.	Expiry date	Estimated monetary value	Reasons for unfitness
	Brand name	Common name					

PART "B"

I certify that I have examined the above named food article(s) and am of the opinion that it is/they are unsound and unfit for human consumption due to the reasons stated above and hereby recommend that the said food(s) be condemned and destroyed or otherwise disposed of by order of court.

.....  
Date

.....  
Signature and Name of Inspector

PART "C"

I certify that I have examined the above named food article(s) and being of the opinion that it is/they are unfit for human consumption, hereby condemn it/them and order it/them to be destroyed/disposed of by:-

.....  
.....

.....  
Name of Magistrate or Judge

.....  
Signature and Stamp

.....  
Date

PART "D"

I certify that the above named food article(s) has/have been destroyed/disposed of as ordered, under my supervision.

.....

.....  
Name of Inspector

.....  
Signature and stamp

.....  
Date

Dar es Salaam  
27<sup>th</sup> July, 2006

DAVID H. MWAKYUSA,  
Minister for Health and Social Welfare